

*R*EGENCY IN
SIXTEENTH-CENTURY
SCOTLAND



AMY BLAKESWAY

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Elite Women and Polite Society in Eighteenth-Century Scotland
Katharine Glover

REGENCY IN SIXTEENTH-CENTURY SCOTLAND

Amy Blakeway

THE BOYDELL PRESS

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This book is dedicated to my mother,
Christine Blakeway (née Kirkham)

Contents

<i>List of Figures and Tables</i>	page viii
<i>Acknowledgements</i>	ix
<i>List of Abbreviations</i>	x
<i>Timeline of Regents and Monarchs</i>	xii
Introduction	1
1. Concepts of Regency	17
2. Concepts of Regency in Practice	54
3. Regency Finances	89
4. Households and Courts	127
5. Justice and Regency	158
6. Regency Diplomacy	193
Conclusion	233
<i>Appendix 1: The Treasurer's Accounts</i>	240
<i>Appendix 2: The Comptroller's Accounts</i>	245
<i>Appendix 3: The Collectors of the Thirds' Accounts</i>	251
<i>Appendix 4: Justice Ayres in Sixteenth-Century Scotland</i>	253
<i>Bibliography</i>	263
<i>Index</i>	283

Figures and Tables

Figures

1: Treasurer's income and expenditure, £Scots 1500	page 98
2: Comptroller's income, £Scots 1500	113
3: Comptroller's income, household expenditure and total expenditure, £Scots 1500	115
4: Income and expenditure of the collectors of the thirds, £Scots 1500	119
5: Justiciary court business, 1531–84	187

Tables

1: Average annual treasurer's income, expenditure and balance, £Scots 1500	102
2a: Breakdown of treasurer's discharge by period of rule	110
2b: Breakdown of treasurer's expenditure (discharge excluding superexpenditure) by period of rule	111
3: Summary of Arran's itinerary	140
4: Summary of Margaret and Albany's itineraries	144
5: Summary of Guise's itinerary	145
6: Summary of Moray's itinerary	146
7: Summary of Lennox's and Mar's itineraries	147
8: Summary Morton's itinerary	147
9: Summary of justice ayres in Scotland, 1488–1578	176
10: Proportion of each period of rule spent on ayre	177
11: Average annual business of the justiciary court by period of rule	187
12: Sources for Figure 1	241
13: The comptroller's accounts (sources for Figures 2 and 3)	247
14: Sources for Figure 4	251
15: Detailed list of justice ayres in Scotland, 1488–1578	256

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Abbreviations

ADC	<i>Acts of the Lords of Council in Public Affairs, 1501–54</i> , ed. R. K. Hannay (Edinburgh, 1932)
AE	Archives Étrangers, Paris
AN	Archives Nationales, Paris
BL	British Library, London
BNF	Bibliothèque Nationale de France, Paris
HMC	Historical Manuscripts Commission
HP	<i>The Hamilton Papers</i> , ed. Joseph Bain (2 vols, Edinburgh, 1890)
NLS	National Library of Scotland, Edinburgh
NRS	National Records of Scotland (formerly the National Archives of Scotland), Edinburgh
RMS	<i>Registrum Magni Sigilli Regum Scotorum, Register of the Great Seal of Scotland</i> , ed. J. Thompson et al. (11 vols, Edinburgh, 1882–1914)
RPC	<i>Register of the Privy Council of Scotland</i> , ed. J. H. Burton et al. (first series, 14 vols, Edinburgh, 1877–1933).
RPS	<i>The Records of the Parliaments of Scotland to 1707</i> , ed. K. M. Brown et al. (St Andrews, 2007–2010).
RSS	<i>Registrum Secreti Sigilli Regum Scotorum, Register of the Privy Seal</i> , ed. M. Livingstone et al. (8 vols, Edinburgh, 1908–82)
SHR	<i>Scottish Historical Review</i>
TA	<i>Accounts of the Treasurer of Scotland</i> , ed. T. Dickson et al. (13 vols, Edinburgh, 1877–1970)
TNA	The National Archives, London

A Note on the Text

Throughout this book, original orthography has been preserved. Contractions have been expanded, this is indicated in italics. Thorn has been rendered as ‘th’ and yough as ‘y’. When quoting from a French or Latin source I have given the original in the main text and offered a translation in the footnotes. Unless otherwise specified, all translations are my own. All money is £Scots, unless otherwise specified. All dates are given new style, with the year beginning on 1 January.

ABBREVIATIONS

Several individuals discussed in this book changed titles during their careers. They are always referred to by the title they held at the point under discussion. Thus, James Hamilton is referred to as the earl of Arran prior to January 1548, after which point he was known as the duke of Châtelherault.

Timeline of Regents and Monarchs

10 April 1512	Birth of future James V
9 September 1513	Death of James IV, accession of James V Margaret Tudor (widow of James IV, mother of James V) appointed regent
6 August 1514	Margaret forfeited second regency through marriage to Archibald Douglas, earl of Angus
18 May 1515	Arrival of John Stewart, duke of Albany, heir apparent of James V. Appointed Governor.
July 1524	Albany ejected from the regency, Council headed by Margaret to help James rule.
November 1525	Archibald Douglas, earl of Angus, seized power.
July 1528	James V ousted Angus from power and commenced his personal rule.
8 December 1542	Birth of future Mary, Queen of Scots
14 December 1542	Death of James V, accession of Mary, Queen of Scots
3 January 1543	James Hamilton, second earl of Arran, heir apparent to Mary, appointed Governor
12 April 1554	Marie de Guise (widow of James V, mother of Mary) replaced Arran (now duke of Châtellherault) as Regent.
11 June 1560	Death of Marie de Guise
19 August 1561	Mary, Queen of Scots, returned to Scotland and commenced personal rule
19 June 1566	Birth of future James VI
24 July 1567	Mary, Queen of Scots, signed letters of abdication, accession of James VI
22 August 1567	James Stewart, earl of Moray, illegitimate half-brother of Mary, Queen of Scots, appointed regent
23 January 1570	Assassination of Moray
11 July 1570	Matthew Stewart, earl of Lennox, James VI's paternal grandfather, appointed regent

TIMELINE OF REGENTS AND MONARCHS

4–5 September 1571	Lennox assassinated, appointment of John Erskine, earl of Mar (Moray's maternal uncle and keeper of James VI) to the regency
29 October 1572	Death of regent Mar
24 November 1572	Election of James Douglas, earl of Morton
March 1578	Morton deposed from the regency but swiftly regained informal power.
2 June 1581	Morton executed for treason.

Introduction

*We shall now enter into a time full of distempers, and shall see a child crowned.*¹

When John Maxwell, fourth Lord Herries of Terregles, sat down to write his memoirs, he recollected royal minorities as troubled times. This former warden of the West March could justifiably consider himself an authority on the subject, since he and his contemporaries had gained considerable experience of child kings. For fifty years of the sixteenth century, Scotland lacked an adult monarch.² James V became king aged seventeen months; his daughter, Mary, succeeded him when six days old; in turn, Mary's son, James VI, was crowned a month after his first birthday. Royal minorities were a hazard attendant upon hereditary monarchy and occurred throughout Europe, yet dynastic chance ensured that the Scots experienced an unprecedented quantity of child rulers. During these long years of royal infancy, the Scots made alternative arrangements for governance. In addressing the 'problem' of royal minority, the Scots' preferred option was to appoint an individual to exercise the monarch's powers on their behalf. The individuals so endowed with the monarchical prerogative were variously entitled governor, tutor, or, most commonly, regent. This book is the first sustained study of the office they held.

Traditionally, regents have received a bad press from historians. This negative view has a distinguished pedigree, since by the sixteenth century the association between minority and political disturbance had already developed into a literary trope. The opening quotation from Herries is only one example among many. For the scripturally inclined, such as the fifteenth-century chronicler Walter Bower, or the Observantine friar Adam Abell writing in the 1530s, Ecclesiastes 10:16 provided a compelling watchword: 'Woe is the land where the king is a child, for there never peace nor justice reigned.'³ John

¹ John Maxwell, fourth Lord Herries, *Historical Memoirs of the Reign of Mary, Queen of Scots and a Portion of the Reign of King James the Sixth*, ed. Robert Pitcairn (Edinburgh, 1836), p. 1.

² Different lengths are given for the duration of royal minorities due to the complex and lengthy processes whereby monarchs began their personal rules. The dates on which this figure is based are: James V, September 1513–June 1528 (14 years, 9 months); Mary, December 1542–August 1561 (18 years, 8 months); James VI, July 1567–May 1584 (16 years, 10 months).

³ For Bower: Alan Young, 'The Political Role of Walter Comyn, Earl of Menteith, during the Minority of Alexander III of Scotland', *SHR* 57 (1978), pp. 121–42, at p. 131;

Lesley, bishop of Ross, writing c.1568–78, gravely recalled the ‘greyt trouble and civill seditione in the realme’ which had troubled Scotland during James II’s minority; meanwhile, Lesley averred, the minority of Mary, Queen of Scots, was characterised by ‘diverse factionis’.⁴ The late-sixteenth-century historian Robert Lindsay of Pitscottie expressed similar sentiments at greater length, reminding readers that civil disturbances during James V’s minority had arisen amongst the Scots because ‘the prince was young and no autorietie to rigne abone them at that tyme’.⁵ Such concerns for the monarch and the kingdom during a royal minority could be flavoured with antique authenticity through reference to classical learning. The diplomat and busybody Sir James Melville of Halhill’s memoirs, written at the turn of the sixteenth century, furnished his readers with three examples which he himself had translated from the second-century BC Greek historian Polybius. These, Melville explained, revealed how young princes were ‘onworthely mishandled, be them that wer left to be ther cheif gouvernours and consellers’. Melville saw these stories as particularly relevant, ‘because the lyk hes chancit laity in thir partis’.⁶ When the author of the *Complaynt of Scotland*, penned during Mary’s minority, anxiously asserted that ‘the youthed of ane prince or of ane princesse, is nocht the cause of the runyne of ane realme, nor yit the perfyit aige of ane prince is nocht the cause of the gude gouernyng of ane public veil’, he spoke as a voice in the wilderness.⁷

The correlation which these sixteenth-century chroniclers and diarists drew between the monarch’s age and governmental effectiveness was broadly accepted until the 1980s. In 1981, Jenny Wormald’s famous remark that fifteenth-century minorities functioned as a ‘safety valve’ in Scottish government helped to facilitate a new view of minority as a time when power was rebalanced away from an expansionist crown, back towards the magnates.⁸ This view of minority as a restoration of equilibrium was part of a wider

Abel actually rendered the quotation into Scots: ‘Wa is ye kinrik quhar ye king is ane barne, ffor yan nower pece nor iustice rang’, Adam Abell, ‘The roit or quheill of tyme’, NLS MS 1746 f. 115r.

⁴ John Lesley, *History of Scotland from the Death of King James I in the Year 1436 to the Year 1561*, ed. T. Thomson (Edinburgh, 1830), pp. 11, 169.

⁵ Robert Lindsay of Pitscottie, *The History and Cronicles of Scotland from the Slaughtering of King James the First to the ane thousande fyve hundreith thrie scoir fyftein zeir*, ed. Æ. J. G. Mackay (Edinburgh, 1899–1911), vol. I, p. 280.

⁶ Sir James Melville of Halhill, *Memoirs of His Own Life 1549–1603*, ed. Thomas Thompson (Edinburgh, 1827), p. 39.

⁷ Anon., *Complaynt of Scotland* (Paris, 1550). The traditional attribution of this text to Robert Wedderburn has been challenged: J. K. McGinley, ‘Wedderburn, James (c.1495–1553)’, *Oxford Dictionary of National Biography* (Oxford, 2004) [http://www.oxforddnb.com/view/article/28956, accessed 11 Dec. 2013]. Similar arguments were advanced in an English context: Hugh Latimer, *A moste faithfull sermo[n] preached before the Kynges most excellen[te] Maiestye, and hys most honorable Councel, in his court at Westminster, by the reuerende Father Master Hughe Latymer* (London, 1553).

⁸ Jenny Wormald, *Court, Kirk, and Community: Scotland 1470–1625* (Edinburgh, 1981), p. 13.

rehabilitation of the Scottish nobility, particularly focused upon a favourable reassessment of their local, lordship-based justice.⁹ More recently, Julian Goodare's characterisation of sixteenth-century minorities as periods which facilitated institutional development through 'a more collective style of government by the magnates, with a more active role for parliaments and councils' similarly emphasises that minorities were not periods of breakdown but rather of change.¹⁰ This observation, in turn, arose in the context of broader claims surrounding the development of an 'absolutist state' in Scotland.¹¹ The significance of both these claims cannot be overstated and the present book is built upon the new understanding of minority made possible by these insights.

Nevertheless, at this juncture it is worth considering what government during a royal minority actually comprised. Referring to a monolithic entity of 'minority government' is problematic since in doing so several distinct types of regime are misleadingly grouped together. This is not a particularly novel observation, but it is a point which nevertheless requires emphasis.¹² Government during any given royal minority could comprise any combination of several types of regime. Regency, when one individual was legally appointed to, as contemporaries had it, 'bear the monarch's person', was the Scots' preferred mode of governance during a minority.¹³ Eight regents were appointed during the three sixteenth-century minorities: Margaret Tudor (r.1513–14); John Stewart, duke of Albany (r.1515–24); James Hamilton, duke of Châtellherault and earl of Arran (r.1543–54); Marie de Guise (r.1554–60); James Stewart, earl of Moray (r.1567–70); Matthew Stewart, earl of Lennox (r.1570–1); John Erskine, earl of Mar (r.1571–2); and James Douglas, earl of Morton (r.1572–8). Government by an individual regent, aided by crown servants ranging from the higher nobility to minor officials, and utilising the machinery of government, was therefore the norm during royal minorities. If regents were absent abroad, they could delegate to

⁹ For key contributions to this reassessment see: Jenny Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past and Present* 87 (1980), pp. 54–97; Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent 1442–1603* (Edinburgh, 1985); Jenny Wormald, 'Taming the Magnates?', in K. J. Stringer (ed.) *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), pp. 270–80; Keith Brown, *Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh, 1986); Keith Brown, *Noble Society in Scotland: Wealth, Family and Culture from the Reformation to the Revolution* (Edinburgh, 2004); Keith Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2011).

¹⁰ Julian Goodare, *The Government of Scotland: 1560–1625* (Oxford, 2004), p. 130.

¹¹ Julian Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999).

¹² Several studies of individual regents, discussed at more length below, make this point. These include: W. K. Emond, 'The Minority of James V 1513–1528' (Ph.D. thesis, University of St Andrews, 1988); G. R. Hewitt, *Scotland under Morton* (Edinburgh, 1982).

¹³ For examples of this phrase see: Acta Dominorum Concilii, 1518–19, NRS CS5/32 f.189; Privy Council Register, 1545–8, NRS PC1/1 f.78r; RPC I p. 648; Commissary Court Book, 1570–2, NRS CC8/2/5 f. 184r.

councils to rule during their absence. This occurred three times during James V's minority: between May 1517 and December 1521; from October 1522 to September 1523; and between May and August 1524. On each occasion the regent, John Stewart, duke of Albany, had visited France to undertake both diplomatic and personal business. In due course, James V and James VI would delegate royal power to councils during their absences abroad.

Regency thus provided a quasi-monarchical 'individual-aided-by-counsellors' model of government. In so doing, it was the form of minority government that offered the most continuity with adult monarchical rule. By contrast, minorities also witnessed short periods when no legally constituted authority existed. This occurred if a monarch or regent died or forfeited their office and no immediate replacement was available. In these cases, a collection of the nobility, possibly describing themselves as a council, functioned as a place-holding regime until a legally constituted regent or an adult monarch took power. This happened between the end of Margaret Tudor's regency in August 1514 and the arrival of Albany as her replacement in May 1515. When James V died intestate on 14 December 1542, a council temporarily took power until Arran's appointment on 3 January 1543. The same situation arose between Guise's death in June 1560 and the arrival of Mary, Queen of Scots, from France in August 1561. Similarly, between Moray's assassination in January 1570 and Lennox's appointment in July, government was headed by the privy council, as it was between Mar's death and Morton's election, respectively on 28 October and 24 November 1572. Finally, twice during the sixteenth century Scotland experienced periods when, although the monarch had technically been declared an adult, he was not yet old enough to exercise power. This occurred following Albany's deposition in 1524, when Margaret Tudor regained power temporarily until 1525, at which point the earl of Angus seized control until James V commenced his personal rule in 1528. Similarly, following Morton's deposition in 1578 a series of regimes succeeded each other before James VI finally took power into his own hands in 1584.

By foregrounding the office of regency as one distinct type of minority government and contextualising it within the political system, this book takes the debate on Scottish royal minorities in a new direction. Wormald, Goodare and others have helpfully shifted perceptions of minority as compared with an adult monarch from 'worse' to 'different'. Indeed, Goodare's phrase 'the problem of royal majorities' neatly turns assumptions about governmental breakdown on their head.¹⁴ This book makes the case that a greater continuity could exist between regency and adult monarchical rule than has hitherto been appreciated. Regents were appointed in order to behave like adult monarchs and, by and large, this is what they tried to do. Nevertheless, as Elizabeth I recognised when observing Scotland during the minority of James VI, 'if ye minority and bass age of kyngs and Quenes, shuld

¹⁴ Goodare, *State and Society*, p. 67.

... mak ye Gounermente imperfect ... and stei subjects ... from obdiencie of ther kyngs in ther minoreties' then 'so shuld kyngdoms and Monarchies in Chrestendom, be often tymes in gret danger of Gouverment'.¹⁵ If the monarch's age did not make the government of a kingdom 'imperfect', it therefore follows that whoever took their place held full, or perfect, governmental powers.

Nevertheless, this case should not be overstated. Monarchs and regents were not identical, and individual regents governed with various degrees of success. In an age of personal monarchy – and personal monarchy was what regency sought to emulate – more subtle changes to governmental style occurred with each new ruler. Each monarch or regent had their own distinctive interests, strengths and weaknesses. The extent to which regents embraced a monarchical style is a recurring concern in this book, as are the ways in which the regents negotiated the conflicting pressures of their continued commitments as major magnates alongside their new responsibilities as representatives of the crown. When regents misjudged this balance between magnatial and monarchical commitments the consequences for their positions and reputations were grave. Furthermore, like monarchy and government more broadly, regency itself evolved during the sixteenth century. How contemporaries conceptualised regency developed over time, as part of a reciprocal relationship with governmental practice. Practice altered to accommodate new ideas, just as ideas evolved to take account of changing practice.

At the outset, it should be made clear that this study is not intended to provide a set of eight neat political biographies, one for each regent. The historiography surrounding regency to date, where this exists at all, takes the form of such discrete individual biographical studies or explorations of a single minority. Many of these studies are explicitly framed in response to the safety-valve thesis. This, for example, motivates W. K. Emond's magisterial doctoral thesis of 1988, which provides an unrivalled account of James V's minority, emphasising the sharp distinctions amongst governmental regimes within this period.¹⁶ Sadly, as with many of the most significant contributions to the study of minorities in recent years, this research remains unpublished and very little has been added to the study of James V's minority in the years which have elapsed since Emond wrote. Margaret Tudor has excited some subsequent scholarly interest, but this has been largely confined to ceremonial aspects of her role as queen consort; her performance as regent has been either ignored or dismissed.¹⁷ In contrast to the derision

¹⁵ Elizabeth to Drury and Randolph, 17 Mar. 1572, TNA SP52/22 f. 103v.

¹⁶ Emond, 'Minority of James V'. For Anglo-Scottish relations in this period: Richard Glen Eaves, *Henry VIII's Scottish Diplomacy, 1513–1524: England's Relations with the Regency Government of James V* (New York, 1971); Richard Glen Eaves, *Henry VIII and James V's Regency, 1524–8* (Lanham MD, 1987). Note the mistaken assumption in the title that there was a legally constituted regent in Scotland during this period.

¹⁷ Pamela Tudor-Craig, 'Margaret, Queen of Scotland, in Grantham, 8–9 July 1503', in Benjamin Thompson (ed.), *The Reign of Henry VII: The Proceedings of the 1993 Harlaxton*

of Margaret Tudor's performance as regent, Albany's strengths as governor, including a particular concern for justice, have been accepted by scholars writing both pre and post Emond.¹⁸ However, Albany's undoubted successes were counterbalanced by the fact that during his nine year regency he was only in Scotland for three brief visits, totalling just under four years.¹⁹

Mary's minority is somewhat better trodden ground than those of her father or son. Nonetheless, coverage is patchy, with a focus largely upon Scotland's international position and the rise of Protestantism. For both these themes, the opening months of the regency of James Hamilton, second earl of Arran, are highly significant. This period also provides the foundation upon which broader interpretations of Arran's rule and character are built. Arran obtained the regency in January 1543 on the basis of his position as heir presumptive to the infant Queen Mary, after which he embarked on a programme of radical religious reforms coupled with diplomatic rapprochement with the English. As a consequence of these reforms, the period from January to September 1543 is often described as Arran's 'godly fit'. By early September, however, Arran had apparently undergone a sudden 'conversion'

Symposium (Stamford, 1995), pp. 261–79; Louise Fradenburg, 'Sovereign Love: the Wedding of Margaret Tudor and James IV of Scotland', in Louise Fradenburg, *Women and Sovereignty* (Edinburgh, 1992), pp. 78–100; L. J. MacFarlane, 'The Book of Hours of James IV and Margaret Tudor', *Innes Review* 11 (1961), pp. 3–21; Lorna G. Barrow, "the Kyng sent to the Qwene, by a Gentyلمان, a grett tame Hart": Marriage, Gift Exchange, and Politics: Margaret Tudor and James IV, 1502–1513', *Parergon* 21 (2004), pp. 65–84. For an overview of her legal affairs see: John Finlay, 'Robert Galbraith and the Role of Queen's Advocate', *Juridical Review* (1999), pp. 277–90. For a critique of Margaret's position in the existing historiography: Louise Fradenburg, 'Troubled Times: Margaret Tudor and the Historians', in Sally Mapstone and Juliette Wood (eds.) *The Rose and the Thistle: Essays on the Culture of Late Medieval and Renaissance Scotland* (East Linton, 1998), pp. 38–58. Her one biography is unscholarly, as are various accounts of her life as one of Henry VIII's sisters: Patrician Buchanan, *Margaret Tudor, Queen of Scots* (Edinburgh, 1985); H. W. Chapman, *The Sisters of Henry VIII: Margaret Tudor, Queen of Scotland, and Mary Tudor, Queen of France and Duchess of Suffolk* (London, 1969); N. L. Harvey, *The Rose and the Thorn: the Lives of Mary and Margaret Tudor* (New York, 1975); Maria Perry, *Sisters to the King: the Tumultuous Lives of Henry VIII's Sisters, Margaret of Scotland and Mary of France* (London, 1998). A more scholarly approach to Margaret as Henry's sister and a consideration of her sexual reputation can be seen in: Margaret McIntyre, 'Tudor Family Politics in Early Sixteenth Century Scotland', in R. A. MacDonald (ed.), *History, Literature, and Music in Scotland 700–1560* (Toronto, 2002), pp. 187–207. However, Margaret was (somewhat surprisingly given the excellent copy her life makes) written out of the recent popular television series *The Tudors*.

¹⁸ Marie W. Stuart, *The Scot Who Was a Frenchman: being the Life of John Stewart, Duke of Albany in Scotland, France and Italy* (London, Edinburgh, Glasgow, 1940); Dana Bently-Cranch and Rosalind Marshall, 'John Stewart, Duke of Albany, Lord Governor of Scotland, and His Political Role in Sixteenth-Century France: a Reassessment in the Light of New Information', *Proceedings of the Society of Antiquaries of Scotland* 133 (2003), pp. 293–313; Elizabeth Bonner, 'Stewart, John, Second Duke of Albany (c.1482–1536)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2006 [http://www.oxforddnb.com/view/article/26488, accessed 14 May 2014].

¹⁹ Emond, 'Minority of James V', pp. 143–287, 324–64.

which led him to renounce religious reform and England, meekly submitting himself to the archbishop of St Andrews, Cardinal David Beaton.²⁰ Following this, Arran's policies reversed: he worshipped as a Catholic and pursued a French alliance. These apparent changes of heart have led to Arran's reputation as 'inconstant', an epithet which forms a prominent component of the large body of scholarship casually dismissive of Arran's character and efficacy as governor.²¹

This account is gradually being revised. Marcus Merriman argued that rather than a sudden conversion in September, Arran began to distance himself from his former policies over the summer. His reconciliation with Beaton in September was thus a considered retraction, not a sudden volte-face.²² In 2006, Alec Ryrie offered a substantially different account of the period. Ryrie emphasised the 'limits to Arran's reformism' and pointed to the proximity of Arran's religious programme to that of Henry VIII, arguing that Arran deliberately courted English support in order to secure his domestic position against rivals.²³ The account of Arran as successfully deceiving the English for the purposes of consolidating his power and delaying military conflict is highly persuasive, although it has yet to exert a broad influence on the study of this period. Both Merriman and Ryrie thus nudge towards a cautious revision of Arran's reputation. The findings presented in this book suggest that this can be carried further; nevertheless, a full revisionist study of Arran remains a highly desirable enterprise.²⁴ In 1548, Arran was further ennobled by the gift of the French duchy of Châtellherault. Throughout this book, when discussing his activities following this elevation, he is referred to by his new title, and the same practice has been followed when referring to any individual whose title changed during the period covered by this study.

Despite the fact that Guise ruled Scotland for half the time that Châtellherault did, her regency has received almost double the amount of scholarly attention.²⁵ Existing studies have rightly emphasised the change

²⁰ For an account of the period which emphasises Beaton's role see: Margaret Sanderson, *Cardinal of Scotland: David Beaton c.1494–1546* (revised edition, Edinburgh, 2001), p. 160.

²¹ This adjective originated with Knox: *John Knox's History of the Reformation in Scotland*, ed. W. C. Dickinson (2 vols, Edinburgh, 1949), I, p. 50. For Arran's otherwise dreadful historiographical reputation see, amongst others: Norman Macdougall, *The Antidote to the English: the Auld Alliance, 1295–1560* (East Linton, 2001), p. 135; Sanderson, *Cardinal of Scotland*, p. 160; David Franklin, *The Scottish Regency of the Earl of Arran: a Study in the Failure of Anglo-Scottish Relations* (Lampeter, 1995), p. 22, although Franklin later acknowledges that Arran had some success as governor, pp. 33–4; Rosalind Marshall, *Mary of Guise* (Glasgow, 1977), p. 103.

²² Marcus Merriman, *The Rough Wooings: Mary, Queen of Scots 1542–1551* (East Linton, 2000), pp. 115, 127.

²³ Alec Ryrie, *The Origins of the Scottish Reformation* (Manchester, 2006), pp. 48–60.

²⁴ Keith M. Brown, 'Early Modern Scottish History: A Survey', *SHR* 92 (2013), pp. 5–24 at p. 23.

²⁵ The two studies which consider Arran's regency in some detail do so from a diplomatic perspective: Merriman, *Rough Wooings*; Franklin, *Scottish Regency of the Earl of*

of personnel which her regency brought, including the promotion of French officials into Scottish offices, although a strong Scottish contingent remained in her government.²⁶ Pamela Ritchie has suggested that Guise's focus was primarily dynastic and, more controversially, that her objectives surrounding familial power overrode religious concerns.²⁷ Ritchie's case for Guise's dynastic agenda is absolutely compelling. It is also abundantly clear that for much of her regency Guise was willing to accept loyal service regardless of the confessional position of the servant in question, a characteristic she shared with other rulers.²⁸ This exposure of Guise's dynastic interests is helpfully supplemented by Ryrie's consideration of Guise's relations with the Church, particularly her systematic failure to support the reform efforts instituted by John Hamilton, archbishop of St Andrews.²⁹ Hamilton's replacement as treasurer by the Protestant Gilbert Kennedy, earl of Cassillis, signified his alienation from Guise's regime.³⁰ It is probable that 'the love was very cold betwixt' regent and archbishop, yet it is unlikely that personal antagonism provides the only explanation for this lack of backing.³¹ A desire to prevent Archbishop Hamilton from becoming a potential rival of the stature of Archbishop Beaton, or an impulse to curb church power (shared by rulers across the confessional divide), are plausible explanations for Guise's coolness towards Hamilton's reforms. Before 1559, Protestants may simply not have seemed as great a threat as an over-mighty prelate drawn from the ranks of Scotland's 'second family'.

Arran. Further, Franklin's study is almost exclusively reliant on printed sources. No study of Arran's domestic rule exists and it is much needed. Guise enjoys a solid and detailed biography, and a more scholarly political biography focused upon her regency: Marshall, *Mary of Guise*, and Ritchie, *Mary of Guise*, respectively. Her relations with parliament have also been assessed in detail: Pamela Ritchie, 'Marie de Guise and the Three Estates, 1554–1559', in Keith M. Brown et al. (eds), *Parliament and Politics in Scotland, 1235–1560* (Edinburgh, 2004), pp. 179–202.

²⁶ Ritchie, *Mary of Guise*, pp. 125–6.

²⁷ Ritchie, *Mary of Guise*, p. 198.

²⁸ For Elizabeth: Michael Questier, 'Loyal to a Fault: Viscount Montague Explains Himself', *Historical Research* 77 (2004), pp. 225–53. For James VI: Maurice Lee, 'King James' Popish Chancellor', in I. B. Cowan and D. Shaw (eds.), *The Renaissance and Reformation in Scotland: Essays in Honour of Gordon Donaldson* (Edinburgh, 1983), pp. 170–182; Ruth Grant, 'The Brig O'Dee Affair, the Sixth Earl of Huntly and the Politics of the Counter-Reformation', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), pp. 93–109.

²⁹ For the aftermath of Beaton's assassination when Hamilton obtained power see: Elizabeth Bonner, 'The Recovery of St Andrews Castle in 1547: French Naval Policy and Diplomacy in the British Isles', *English Historical Review* 111 (1996), pp. 578–98. For Archbishop Hamilton see: J. K. Cameron, 'The Cologne Reformation and the Church of Scotland', *Journal of Ecclesiastical History* 30 (1979), pp. 39–64; J. K. Cameron, '“Catholic Reform” in Germany and in the pre-1560 Church in Scotland', *Records of the Scottish Church History Society* 20 (1978–80), pp. 105–17; Alec Ryrie, 'Reform without Frontiers in the Last Years of Catholic Scotland', *English Historical Review* 119 (2004), pp. 27–56.

³⁰ Ryrie, 'Reform without Frontiers', p. 53.

³¹ Knox, *History of the Reformation in Scotland*, I p. 183.

This distaste for Hamilton does not mean that Guise completely lacked interest in confessional matters, but rather, that she failed to support his reforms and excluded him from her own initiatives.³² Ryrie has persuasively argued that Guise's failure to advance religious reform, coupled with an insufficiently robust response to heresy, helped to foment the Reformation Rebellion of 1559–60. The wealth of scholarship which already surrounds these events makes this one of the best studied areas of the sixteenth century. Accordingly, it is not a topic with which this book engages in detail. This is not an attempt to downplay the significance of the Reformation; rather it is an acknowledgement of the quality of the existing scholarship of historians such as Gordon Donaldson and James Kirk, and, more recently, Ryrie and Clare Kellar.³³

Like the Reformation Rebellion, the deposition of Mary, Queen of Scots, as the culmination of her well studied personal rule, has received an unusually large amount of historical attention. Indeed, much of the commentary on James VI's first regent, James Stewart, earl of Moray, has simply considered Moray as a foil to Mary.³⁴ Debate surrounding Moray's regency has coalesced on the extent of his personal ambition to be regent and the support which his regime enjoyed. Since Moray was absent from Scotland between April and July 1567, he was not personally involved in Mary's deposition and this disassociation rendered him more acceptable as regent. Claire Webb has provided the most convincing account of this period. Whilst acknowledging that Moray's potential desire for the regency 'cannot be proven', Webb avers that Moray travelled abroad hoping to regain political favour and power on his return, whether as Mary's chief councillor or in a post-Marian regime.³⁵ Webb's critical reassessment of Moray provides an important corrective to Maurice Lee's earlier hagiographical study, but, sadly, remains unpublished.³⁶ Meanwhile, Mark Loughlin's biography of William Maitland of Lethington, Moray's erstwhile confidant-turned political opponent, emphasised Moray's close association with Lethington, and also, unusually, assessed both Moray and Mary's political abilities favourably.³⁷

³² Ryrie, 'Reform without Frontiers', pp. 53–4.

³³ Gordon Donaldson, *The Scottish Reformation* (Cambridge, 1960); James Kirk, 'The Influence of Calvinism on the Scottish Reformation', *Records of the Scottish Church History Society* 18 (1974), pp. 157–79; Clare Kellar, *Scotland, England, and the Reformation 1534–61* (Oxford, 2003); Ryrie, *The Origins of the Scottish Reformation*.

³⁴ For anti-Mary, pro-Moray: Jenny Wormald, *Mary, Queen of Scots: A Study in Failure* (London, 1988) p. 179. For pro-Mary, anti-Moray: John Guy, *My Heart Is My Own: the Life of Mary, Queen of Scots* (London, 2004), pp. 43, 352, 506.

³⁵ Claire Webb, 'The "Gude Regent"? a Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots, and the Scottish Regency 1567–70' (Ph.D. thesis, University of St Andrews, 2008), pp. 17–35.

³⁶ Webb, 'The "Gude Regent"?'; Maurice Lee, *James Stewart, Earl of Moray: a Political Study of the Reformation in Scotland* (New York, 1953).

³⁷ Mark Loughlin, 'The Career of Maitland of Lethington c.1526–1573' (Ph.D. thesis, University of Edinburgh, 1991), p. 253.

The level of support that Moray enjoyed in the months prior to his assassination on 23 January 1570 has been contested.³⁸ In particular, his capture of the English rebel Thomas Percy, earl of Northumberland, who had fled to Scotland in the wake of the Northern Rebellion has been identified as a double-edged sword: Northumberland's capture provided an international bargaining tool for use with the English, but Moray provoked domestic dissent by the breaching of conventions that political rebels who had crossed the border should not be pursued.³⁹ Nevertheless, Moray's death was clearly a turning point which 'shattered' the 'fragile truces' binding his supporters, known as the King's Party, together.⁴⁰ This insecurity following Moray's assassination was not helped by the six-month delay in appointing a replacement. On 11 July, however, Matthew Stewart, earl of Lennox, paternal grandfather of James VI and holder of a claim to the Scottish throne second only to the Hamiltons, was elected. Traditionally, English support has been seen as central to the process of Lennox's appointment and consolidation of power.⁴¹ Sarah Macauley has modified this narrative by demonstrating that, whilst English intervention was crucial in securing Lennox's appointment as regent, this only occurred after his candidacy was originally suggested and championed by the Scots in the face of substantial English opposition.⁴² Elizabeth's caution surrounding Lennox's candidacy was justified since the leitmotif of his regime can be summed up in one word: revenge.⁴³ In September 1571 Lennox was assassinated when Mary's supporters launched a midnight raid on Stirling during a meeting of parliament.⁴⁴

Lennox's successor, John Erskine, earl of Mar, is alone amongst the regents in lacking a study devoted to his life or rule. This neglect has probably arisen from the fact that he is often dismissed as ineffectual, although more sympathetic historians emphasise his irenic character.⁴⁵ The English general Sir William Drury certainly thought Mar was 'holly geven to quyetnes and

³⁸ Donaldson considered Moray to be relatively secure: Gordon Donaldson, *All the Queen's Men: Power and Politics in Mary Stewart's Scotland* (London, 1983), pp. 117–18. Dawson emphasises his reconciliation with Argyll: Jane Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots* (Cambridge, 2002), pp. 178–9. Webb emphasises the divisions amongst the 'King's Men' and the Anglo-Scottish dimension: Webb, 'The "Gude Regent"', pp. 140–56.

³⁹ Amy Blakeway, 'Kinship and Diplomacy in Sixteenth-Century Scotland: the Earl of Northumberland's Scottish Captivity in its Domestic and International Context, 1569–72', *Historical Research* 87 (2014), pp. 229–50 at p. 233.

⁴⁰ Dawson, *Politics of Religion*, p. 179.

⁴¹ Dawson, *Politics of Religion*, pp. 182–3; Gordon Donaldson, *Scotland: James V to James VII* (Edinburgh, second edition, 1994), p. 163.

⁴² Sarah Macauley, 'Matthew Stewart, Fourth Earl of Lennox and the Politics of Britain, c.1543–1571' (Ph.D. thesis, University of Cambridge, 2006), pp. 208–11.

⁴³ Macauley, 'Matthew Stewart, Fourth Earl of Lennox', pp. 209–210, 215, 218.

⁴⁴ Donaldson, *All the Queen's Men*, p. 118.

⁴⁵ For Mar's use of marriage as a means of political reconciliation: Dawson, *Politics of Religion*, p. 188. For the inclusive composition of Mar's privy council: Donaldson, *All the Queen's Men*, p. 123.

pease'.⁴⁶ Whether deemed pathetic or pacific, Mar is characterised as heavily reliant upon James Douglas, earl of Morton. However, the fact that Morton opposed Mar's decision to 'sell' Northumberland to the English in 1572 indicates that Mar was capable of exerting independent policy.⁴⁷ Following Mar's death from natural causes on 28 October 1572, Morton was elected to succeed him. G. R. Hewitt's 1982 account of Morton's regency continues to offer a solid starting point for this period; however, its largely administrative focus has yet to be supplemented by studies reflecting the historiographical concerns that have emerged since its publication.⁴⁸ Drawing distinctions within James' minority, Hewitt praised Morton's 'efficient regime' in contrast to the disorder that followed his fall, an assessment that has been shared by other scholars.⁴⁹ Nevertheless, Morton's financial policies have provoked controversy, since his systematic appropriation of the mint's profits for his private gain compromised crown finances.⁵⁰ Indeed, it was arguably Morton's success in embezzling crown funds that has underpinned the widespread assumption that regents were, broadly speaking, financially corrupt. Relations with England were crucial to Morton's regime and, Maurice Lee has argued, the English withdrawal of support from Morton created the circumstances which led to his execution as a traitor in January 1581, three years after he had resigned the regency.⁵¹

These disparate studies cumulatively provide an important corrective to the many standard accounts of the sixteenth century in which the Stewarts' glamorous personal rules continue to exercise a compelling draw. Nevertheless, by considering regents in isolation from one another, a broader sense of perspective on their behaviour and office remains lacking. In order to provide this, the present work takes a thematic approach designed to foreground questions of political legitimacy and the practical exercise of royal power. Chapter one explores the ways in which contemporaries understood the office of regency. Although multiple understandings co-existed throughout the century, the terms of the debate changed over time. From the late 1560s onwards the traditional emphasis upon the direct line of royal succession in selecting regents was challenged by an emerging conception of regency as an elective office. As we shall see, this identification of chronological development is the basis for a new approach to understanding regency,

⁴⁶ Drury to Burghley, 14 Sep. 1571, TNA SP52/21 f.98.

⁴⁷ Blakeway, 'Kinship and Diplomacy', pp. 247–9.

⁴⁸ G. R. Hewitt, *Scotland under Morton: 1572–1580* (Edinburgh, 1982), pp. 206–7.

⁴⁹ Hewitt, *Scotland under Morton*, pp. 206–7; Allan White, 'The Regent Morton's Visitation: the Reformation of Aberdeen, 1574', in Alasdair A. MacDonald, Michael Lynch and Ian B. Cowan (eds), *The Renaissance in Scotland: Studies in Literature, Religion, History and Culture offered to John Durkan* (Leiden, 1994), pp. 246–63.

⁵⁰ Atholl Murray, 'Introduction', TA, XIII, pp. viii–xix.

⁵¹ Maurice Lee, 'The Fall of the Regent Morton: A Problem in Satellite Diplomacy?' in Maurice Lee, *The 'Inevitable' Union and Other Essays on Early Modern Scotland* (East Linton, 2003), pp. 59–80.

moving away from the existing legalistic discourse surrounding a static ‘law of regency’, towards a model emphasising historical context and change over time.⁵² The exceptional circumstances of Mary’s deposition and its aftermath forged a change in both the understanding and practice of regency as radical and far-reaching as the changes to understandings of monarchy proposed during this period. Prior to Mary’s deposition two regents (Albany and Arran) had claimed power on the basis of their place in the succession, and two (Margaret Tudor and Marie de Guise) claimed power on the basis of monarchical delegation. Although Moray initially claimed monarchical delegation as the basis of his regency, by the end of James VI’s minority election had become a prominent facet of regents’ claims to power. Nevertheless, as with George Buchanan’s more famous model of elective kingship, these novel proposals did not go unchallenged, and co-existed with earlier concepts and practices.⁵³ Chapter two moves on to explore how these concepts were articulated by changing political practices, including in the ceremonies by which regents were appointed to their offices. It also considers the famous ‘acts of revocation’ made by the adult Stewarts whereby when they reached the age of twenty-five monarchs had the opportunity to reverse land transactions which either they themselves had undertaken or which had been made on their behalf. From the perspective of events during a minority, the prospect of a future act of revocation had no discernible impact upon regents’ actions. After all, monarchs could also revoke gifts granted by another monarch or, indeed, which they themselves had made. The displeasure of the prince had heavy consequences for the wealthy, regardless of the original source of their good fortune. This serves as a bridge to the remainder of the book, which explores practical facets of government. Chapter three turns to consider the impact of minority on crown finances, challenging a standard critique levied against regents that they profligately wasted crown resources. Whilst regents encountered varying levels of success in balancing the state’s books, overall, the picture which emerges from this data is more cautiously positive than previous understandings of minority finance would allow.

Chapter four considers regents’ households. Royal courts have increasingly been acknowledged as an essential facet of successful governance, yet this aspect of rule has been largely neglected in accounts of regencies. Research presented in this chapter reveals that regents followed active itineraries, a practice which both reflected rulers’ differing priorities and provided substantial continuity with adult monarchical rule. Such continuity is also

⁵² For the ‘law of regency’ see: P. G. B. McNeill, ‘The Scottish Regency’, *Juridical Review* 12 (1967), pp. 127–41.

⁵³ For Buchanan see: Roger A. Mason and Martin S. Smith eds., ‘Introduction’ in *A Dialogue on the Law of Kingship among the Scots: A Critical Edition and Translation of George Buchanan’s De Jure Regni apud Scotos Dialogus* (Aldershot, 2004). For James VI’s famous challenge to Buchanan’s historical theory of elective kings (albeit that it falls somewhat outside our period): Roger Mason, *Kingship and the Commonwealth: Political Thought in Renaissance and Reformation Scotland* (East Linton, 1998), pp. 228–30.

present in the findings discussed in chapter five, which explores the administration of justice during minorities. Whilst contemporaries placed a premium on the provision of justice as an aspect of successful rule, assessing an abstract and subjective concept such as justice presents substantial problems. Nevertheless, in sixteenth-century Scotland, where alternative forums for dispute resolution existed, each case heard in a particular court represented a vote of confidence in that court's ability to deliver a satisfactory resolution. This chapter focuses on the business of the peripatetic criminal courts known as justice ayres, which the ruler was required by statute to attend in person. As such, the ayres provide a unique insight into rulers' personal involvement with judicial activities. This discussion of the ayres is enhanced by consideration of the Justiciary Court, which developed as a static and permanent offshoot of the mobile yet infrequent ayres. The pattern of a steady increase in business over time during monarchical majority and minority alike indicates that important aspects of government continued not only to function, but also to develop, regardless of the monarch's age. The final chapter turns to diplomacy undertaken by minority regimes, considering Scotland's relations with England and France alongside new evidence concerning diplomatic relations with Denmark. In focusing upon the extent of regents' powers, and the degree to which minority diplomacy was distinctive, it returns to the opening themes of legitimacy and securing acceptance as a rightful ruler.

There are no chapters entitled 'politics' or 'religion' in this book, nor is there a chapter specifically devoted to female regents. Instead, these topics are integrated throughout the text. This might raise eyebrows, and therefore perhaps requires explanation. Like monarchs, every action a regent undertook was by its nature political, and, like all their contemporaries, the church and its teachings provided the framework within which regents lived their lives. Rather than ghettoising Margaret Tudor and Marie de Guise in a single chapter on the grounds that they had wombs, their actions as regents are simply considered alongside those of their male counterparts. Politics and religion, male and female governors, cohabit in every chapter.⁵⁴ It is certainly noteworthy that the seismic political-religious moment now called 'the Reformation Rebellion' took place during the minority of Mary, Queen of Scots; nevertheless, this does not mean that every minority, or even that particular minority, should be read primarily in religious terms. Equally, it would be a foolhardy scholar, and one woefully ignorant of Knox's *First Blast of the Trumpet Against the Monstrous Regiment of Women*, who suggested that gender had no impact on how women ruled whether as regent or as queen. Nevertheless, the specific challenges facing female regents are best understood as one of, and integrated amongst, the many factors that affected any period in office.

The time frame chosen for this study is a deliberate attempt to provide an alternative chronological framework to the many studies that select the

⁵⁴ This approach is not without precedent: Goodare, *The Government of Scotland*, p. 7.

Reformation Rebellion of 1559–60 as a dividing line and thereby implicitly conflate Protestantism and ‘being early modern’.⁵⁵ Certainly, many things changed in 1560, or, more accurately, they reached an important staging-post in the long process of changing. However, studying the three sixteenth-century minorities either side of 1560 provides an alternative perspective, exploring the changing political milieu of two overlapping generations of Renaissance Scots. The first was the ‘post Flodden’ generation who gained prominence on the political stage in the 1510s and 1520s, some of whom continued to play a central role in the 1540s and 1550s, such as Margaret Tudor’s second husband, Archibald Douglas, sixth earl of Angus.⁵⁶ Second came the generation who reached political maturity in the 1540s and stalked the political arena until their deaths in the late 1570s or early 1580s, such as Angus’ nephew, James Douglas, the regent Morton, and his brother-in-law, fellow regent and lifelong antagonist, James Hamilton, second earl of Arran and duke of Châtellherault.⁵⁷ The partisan struggle between Morton and Arran was only one act in a larger drama played out between their families, Douglas *versus* Hamilton, an antagonism which at various points developed secondary characteristics: reformer *versus* Catholic; Anglophile *versus* Francophile; for or against the deposition of Mary, Queen of Scots. This noble rivalry was one amongst many in sixteenth-century Scotland, yet it is particularly significant for this study. Since Morton and Arran were regents, their antagonism not only drove political events, but also informed the contemporary and near contemporary accounts of minorities which, in turn, continue to influence their reputations. In Arran’s case in particular, a very different picture of his rule is revealed when such narrative accounts are juxtaposed with sources produced by his regime. The same observation could be drawn regarding other noble rivalries, such as the mutual distaste and distrust which existed between Arran and his dynastic rival, Matthew Stewart, earl of Lennox, a driving political factor during the 1540s and 1570s, which coloured subsequent accounts of these events.

Before turning to these sources, however, it is helpful to provide an overview of what ‘being a regent’ actually entailed. This was a contested proposition, to which contemporaries provided various answers. This variety was facilitated by the lack of a definitive statement on the subject. Moray’s commission of regency, for instance, outlined his powers to ‘intromitt’, or to deal with, crown property, including the ability to gift royal lands. Yet the commission neglected to detail every aspect of his power, instead emphasising that as

⁵⁵ Leaving aside primarily religious histories see, for example: Goodare, *State and Society*; Goodare, *Government of Scotland*; Brown, *Noble Power in Scotland*; Brown et al. (eds), *Parliament and Politics in Scotland, 1235–1560* (Edinburgh, 2004); T. C. Smout, *A History of the Scottish People, 1560–1830* (London, 1998). Even within books covering longer periods of time, 1560 is a frequent dividing point.

⁵⁶ For more on the Flodden death toll: Emond, ‘Minority of James V’, pp. 6–10.

⁵⁷ For their relations see: Amy Blakeway, ‘The Attempted Divorce of James Hamilton, Earl of Arran, Governor of Scotland’, *Innes Review* 61 (2010), pp. 1–23.

regent Moray could act ‘als frelie and with als greit libertie as ony regent or governour to us or oure predecessouris usit in ony tymes bigane’.⁵⁸ Ironically, perhaps, the vast powers enjoyed by regents are best revealed through considering the contrast with periods when no regent was appointed. The dramatic reduction of government business during such times serves to reveal both the extent of regents’ powers and the contrasts between regency and other forms of minority regime. Whilst the criminal and civil courts continued to sit, without a legally constituted regent government business ground to a halt. Parliaments could be held only when summoned by a monarch or their representative, when no such person was available, only conventions of the estates could be called. Hence the re-fencing of parliament in 1554 following Arran’s demission of the regency and Guise’s instalment in office; these events are discussed in detail in chapter two.⁵⁹ This also explains why the so-called ‘Reformation Parliament’ in fact had no legal power to legislate.⁶⁰ Likewise, without a monarch or regent to authorise land transactions, grants under the seals ceased. This practice was confirmed by the council just prior to Albany’s arrival in Scotland, on 4 May 1515, when they declared that any grants given ‘sen the tyme that the office of tutorie of our souerane lord ceisit in the quenys grace’, were ‘of Nane avale force nor effect’.⁶¹ The dramatic reduction in expenditure during such periods ‘intergubernatores’ reveals an unwillingness to draw on crown funds without authorisation from the monarch’s legal representative.⁶² In some instances foreign ambassadors refused to declare their commissions when Scotland lacked a regent: this happened, for instance, between Mar’s death and Morton’s election in December 1572.⁶³

This governmental hiatus reveals the extent to which regency was necessary during a minority. Appointing an individual to represent the child monarch unlocked the monarchical prerogative. Regents were thus legally empowered to behave like adult monarchs: indeed, this was the very reason

⁵⁸ RPS, 1567/7/29/2. Date accessed: 12 July 2013.

⁵⁹ Lesley, *History of Scotland*, p. 250.

⁶⁰ P. G. B. McNeill, “Our Religion, established neither by Law nor Parliament”: Was the Reformation Legislation of 1560 Valid?, *Records of the Scottish Church History Society* 35 (2005), pp. 68–89.

⁶¹ For 1513–15: RSS, I, pp. 388–9; RMS, III, p. 5; For 1570: RSS, VI, p. 161, RMS, IV, p. 495; for 1572: RSS, VI, p. 337; RMS, IV, p. 500; Acta Dominorum Concilii, 1513, NRS CS5/26 f. 185v.

⁶² The interregnum between Margaret and Albany coincides with a gap in the Treasurer’s Accounts. Between Moray and Lennox: Treasurer’s Account, 1570–1, NRS E21/59 ff. 24–34. These ten folios, several sides of which are blank, cover the period February–June 1570 without a regent between Moray and Lennox. For comparison, a normal month’s expenditure in the early 1570s would cover six to ten folios. Between Mar and Morton: Treasurer’s Account, 1571–4, NRS E21/102 ff. 109–14. Five and a half sides of this are blank. Other than the payment of the usual Martinmas term fees and pensions and monthly wages for soldiers and administrators, the only payments made were for two messengers to summon people to appear before the council.

⁶³ Killigrew to Elizabeth, 2 Dec. 1572, TNA SP52/23 Part I f. 258r.

why they existed. They could legislate, prosecute for the highest crime of treason, reverse previous judicial sentences, and collect and spend the crown's money. Their lifestyles matched their powers: they lived in royal palaces or castles, used royal furnishings, and, in at least one case, wore the dead monarch's clothes.⁶⁴ They could appoint to offices and gift crown property. Selecting appropriate individuals to exercise these quasi-monarchical powers was a matter of no small significance, particularly since failure to secure a consensus surrounding a ruler's legitimacy would certainly lead to political conflict. At best, dissent surrounding his or her legitimacy might impede a regent's ability to rule. If the Scots failed to acknowledge their ruler as a valid source of political authority they could choose not to participate in the government, perhaps neglecting to pay monies due to the crown or to attend court when summoned. Worse still, they might actively resist a regime through violence, perhaps in collaboration with a foreign power. It is therefore appropriate to begin by considering where legitimate political authority originated during minorities, or, in other words, how the Scots chose their regents.

⁶⁴ A tailor had to enlarge some of James V's doublets to fit Arran: Treasurer's Account, 1543–6, NRS E21/41 f. 36r.

Concepts of Regency

On 20 October 1568, two groups of Scots were invited to 'declare their Opinions, for the government of their Realme in the minoritie of their Prince'.¹ The question was both pertinent and topical, since in May that year Mary, Queen of Scots, had escaped from her imprisonment in Lochleven castle and fled across the border to England. Unwilling to sanction rebellion against a fellow anointed monarch, but equally unwilling to restore Mary (a Catholic and a dynastic threat), Elizabeth ordered Mary's imprisonment. In an attempt to secure a compromise between Mary and her opponents, Elizabeth summoned representatives from both sides to discuss provision for the government of Scotland. These debates have subsequently become known as either the 'trial' of Mary, Queen of Scots or the York-Westminster conference. Whether or not Mary was an adulteress and murderess, whether or not her deposition was valid, the fact was that in her absence from the realm governmental provision was necessary. Inevitably, therefore, the conversation turned to regency.

Despite the fact that this question sparked the most detailed extant sixteenth-century discussion of Scottish regency, the two resulting statements have been largely ignored or dismissed.² Instead, historical interest in the conference has largely focused upon the practical matters which delegates discussed. The notorious 'Casket Letters' and Mary's indictment for the murder of her second husband, Lord Darnley, have thus been prioritised as the main documents of interest arising from the conference.³ This neglect

¹ Hatfield House [HH], Cecil Papers Vol. 138, f. 54; Samuel Haynes (ed.), *A Collection of State Papers Relating to Affairs in the Reigns of King Henry VIII, Queen Mary, King Edward VI and Queen Elizabeth from the Years 1542–1570, Transcribed from original letters left by William Cecil Lord Burghley and now remaining at Hatfield House* (London, 1740), p. 484.

² The statements survive in two copies, one in papers relating to the conference obtained by Cecil, now held at Hatfield House, and the other in a volume of miscellaneous documents in the National Archives of Scotland. See: 'Raisons for and against the free Election to the Gouvernement During the Les age of Princis', 1568, NRS GD149/265 ff. 65–6; 'Anent ye electioun of ane regent during ye princis less age', 1568, NRS GD149/265 ff. 67–8; HH, Cecil Papers 138, ff. 54–6; Haynes, *collection of State Papers*, pp. 484–6.

³ Gordon Donaldson, *The First Trial of Mary, Queen of Scots* (London, 1986), esp. pp. 119, 137; Jenny Wormald, *Mary, Queen of Scots: A Study in Failure* (London, 1988), pp. 174–8; Roger Mason, 'George Buchanan and Mary, Queen of Scots', *Scottish Church History Society Records*, 30 (2000), pp. 1–27 at p. 21; John Guy, *My Heart Is My Own*:

of the statements on regency is typical of the broader lack of attention to this subject, but it is somewhat surprising, since the English commissioners who attended the conference had evidently anticipated that discussions would extend beyond questions relating to Mary's love life to issues that touched upon the very nature of governance. Prior to the conference, the experienced English diplomat, Sir Ralph Sadler, suggested that potential topics for discussion included questions such 'as who is a Tyraunt, who may depose a Tyraunt, and whether she [Mary] be bound by that she did in prison'.⁴ Sadler had accordingly urged Cecil that 'it is mete that we go well prepared and with good assistance of lerned men, for you may be sure that the Scottes will bring lerned and wise men with them'. This emphasis on the likelihood of complex theoretical questions arising was partly motivated by Sadler's attempts to gain exemption from attendance. He unconvincingly claimed that he was 'utterly unlerned in all kynds of lerning' and therefore was unsuited to participate in the English delegation. Cecil, however, ignored this profession of inadequacy and duly appointed Sadler a commissioner. This belief in Sadler's abilities had strong grounding, for his identification of the importance of political and legal theory to the conference proved absolutely correct.

The significance of the York-Westminster regency debates has to date only been recognised by Claire Webb, whose account of the conference foregrounds debates on the nature of governance, emphasising the traditional nature of the Queen's Party's position in contrast to the novelty of the King's Party's arguments.⁵ The Queen's Party contended that a regent was 'quhasumeuir is nearest Lauchfullie descendit of the kingis and quenis blude of that realme being of perfite aage'.⁶ Emphasis on 'lawful' descent was clearly intended to preclude the regent, James Stewart, earl of Moray, from attempting to use his status as James V's illegitimate son to legitimise his rule.⁷ Although the Queen's Party acknowledged a role for the estates in confirming the second person in the realm's position, this was limited, since 'thair is na fre electioun in the estatis handes to cheise quham thay pleis to be gouvernour during the minoriteis of the princis of that realme'.⁸ In stark contrast, the King's Party averred that 'the estatis suld chuis ane gouvernour to the

the Life of Mary, Queen of Scots (London, 2004), pp. 396–436; Stephen Alford, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven, 2008), pp. 152–3.

⁴ Sadler to Cecil, 29 Aug. 1568, TNA SP53/1 f. 44.

⁵ Claire Webb, 'The "Gude Regent?": a Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots, and the Scottish Regency, 1567–70' (Ph.D. thesis, University of St Andrews, 2008), pp. 91–107.

⁶ 'Anent ye electioun of ane regent', NRS GD149/265 f. 67r; HH, Cecil Papers Vol. 138, f. 48; Haynes, *Collection of State Papers*, p. 484.

⁷ A similar argument has been advanced by Webb: 'The "Gude Regent?"', p. 102.

⁸ 'Anent ye electioun of ane regent', NRS GD149/265 f. 67r; HH, Cecil Papers 138 f. 48; Haynes, *Collection of State Papers*, p. 485.

realme vn to the age of xiiij zerris of the pupil'.⁹ The radicalism and novelty of this claim cannot be overstated. Prior to Mary's escape from Lochleven, Moray had based his claim to be regent on the letter of abdication she had signed. Monarchical delegation and hereditary succession, as we shall see, provided a highly traditional basis from which to claim power as regent. Being elected to office by the estates was not.

The debates on regency at the York-Westminster conference are an apposite place from which to commence an investigation of how sixteenth-century Scots thought about regency since they encapsulate two of the main arguments expounded as the basis for regents to claim legitimacy. Furthermore, since this was the moment when Moray changed the basis on which he claimed the regency, the debates demonstrate the ways in which different concepts of regency could be combined and developed over time. This chapter will consider these three understandings of regency: as an office to which, like any other, the monarch could appoint an individual of his choosing; regency as a hereditary right; and regency as an elective position. The final portion of the chapter will explore the notion of a regency council, which although never instituted as a direct substitute for a child monarch in Scotland, nonetheless remained a point of reference throughout the century. First, however, it is necessary to consider the relationship between the public office of regency and private law conventions relating to the appointment of tutors for underage heirs, and the range of terminology applied to regency.

The three ways in which regents could claim power, namely monarchical nomination, hereditary right, and election by the political community, were identified in the sole previous consideration of the theoretical framework surrounding regency. In 1967 the legal historian P. G. B. McNeill made the important observation that the Scots lacked a statute concerning regency, and accordingly set out to 'deduce the law from practice'. In so doing McNeill identified the three categories of regents outlined above, 'each of which corresponded to the classes of tutor or guardian in private law', and proposed that they related to each other in a strictly hierarchical order of preference, likewise rooted in private testamentary law.¹⁰ As the lawyer Sir James Balfour of Pittendreich explained in his *Practicks* (a collection of Scots law compiled during James VI's minority), 'Executoris of testament, or latter will, sould be sic persounis as the maker thair of dois nominat, and to quhom he committis that care and office; bot gif nane be noimat or chosin be him to that effect, his narrest kinnisment may desire, and be confirmit executoris to him with consent of the Bishop'.¹¹ In private law, therefore, the testator's desires in

⁹ 'Raisons for and against the fre Election to the Guvernement During the Les age of Princis', NRS GD149/265 f. 65r; HH Cecil Papers 138 f. 55; Haynes, *Collection of State Papers*, p. 485.

¹⁰ P. G. B. McNeill, 'The Scottish Regency', *Juridical Review* 12 (1967), pp. 127–41, at p. 127.

¹¹ Sir James Balfour, *The Practicks of Sir James Balfour of Pittendreich: reproduced from the printed edition of 1754*, ed. P. G. B. McNeill (2 vols, facsimile edition, Edinburgh, 1962), I, p. 219.

delegating responsibility to named executors were respected as paramount, in default of this, proximity of kinship (as confirmed by the Bishop) proved a determining factor. Failing both a nomination and a suitable next-of-kin the monarch could appoint executors. Tutors appointed by the father in a testament were known as tutors testamentar, whilst tutors selected on the basis of blood relationship were tutors-at-law, and tutors appointed by the crown were tutors dative. The position of mothers was complex; a woman could be named tutrix testamentar and mothers were a compelling choice for tutors dative, and, as tutor dative, would be preferred to tutor-at-law.¹² Irrespective of the basis on which she was appointed tutor, a mother's rights were forfeited on remarriage, at which point she passed into the legal curatory of her new husband.

Turning to the selection of regents, McNeill therefore argued that the Scots' first preference was that regents should be nominated by the deceased monarch; failing this, the closest male agnate (relative on the father's side) should be selected; if, and only if, these two selection methods failed to provide a regent, then the estates should proceed to an election. On occasion, private law conventions were clearly used to select regents. For instance, the circumstances in which Margaret Tudor both gained and lost the regency exactly followed private law conventions. Likewise, in 1516 parliament explained that Albany was appointed regent according to 'imperiall cannoun and oure awin civile lawis, be quhilkis lawis is decernit that the nerrest and lauchfull personage of the agnatis side sall have the cure, tutoury and governance, and inlikwise sall take the charge and pane in governans, alsweill as thai have the aventure and respecte of proffitt to successioun'.¹³ In this instance, private law conventions were applied to the office of regency, which was both *private*, in so far as it entailed an element of caring for a fatherless child, and *public*, since it also entailed governing the kingdom. Or, put another way, the office of tutor was directly conflated with the office of regent.

Nevertheless, this thesis requires qualification. It is quite clear that the Scots considered the office of regent to be distinct from the monarch's tutor although it was possible, and in some circumstances even desirable, for one individual to combine the two roles. Those regents who were also tutors-at-law, Albany, Arran and Lennox, usually had the two titles of tutor and governor or regent enumerated separately.¹⁴ The distinction between the position of tutor and regent also informed the dispute between Margaret and Albany following her ejection from power, a topic which we shall explore in more detail below. More broadly, the idea that methods for selecting regents were arranged in a strict hierarchy, the rules of which were tacitly understood and uniformly followed, also cannot be maintained. The two mutually exclusive

¹² Balfour, *Practicks*, I, p. 115.

¹³ RPS, A1516/7/1. Date accessed: 26 July 2013.

¹⁴ For Albany: RPS, A1515/7/4. Date accessed: 3 April 2014; for Arran, RPS, 1543/3/1. Date accessed: 3 April 2014; For Lennox: RPS, A1571/9/2. Date accessed: 3 April 2014.

but equally detailed outlines of regency written in 1569 demonstrate that the question of 'who should be regent?' was one that exercised considerable interest and contemporaneously elicited several, mutually contradictory, answers. Individuals emphasised or foregrounded different aspects of the discussion surrounding regency to suit their immediate political circumstances and needs. Rather than an inflexible monolith constricted by closely defined laws, Scots thinking on regency is more helpfully conceived of as a flexible framework of shared concepts within which debates and discussions took place. Indeed, even the premise of a search for an early modern 'law' of regency is perhaps fundamentally misguided. Sixteenth-century Scots had the necessary resources and procedures to legislate on matters which they considered required legislation. The lack of evidence for either a statute being passed defining regency, or for unsuccessful attempts to procure such legislation, strongly indicates that for much of the sixteenth century the political community was untroubled by the lack of a 'law of regency'. McNeill identified the main aspects of this debate, but he conceived of their relationship to each other as fixed rather than fluid.

The ensuing discussion modifies McNeill's analogy between the 'law of regency' and the private law office of a tutor in two substantial ways. First, it suggests that the three criteria identified by McNeill co-existed and overlapped with each other: there was no strict hierarchy of preference amongst methods of selecting regents. Although some parallels can be usefully drawn with private testamentary law, it is not appropriate to apply this model to the public office of regency. In particular, a place in the succession, or election by the political community, were not second and third choice to monarchical delegation. Instead, succession and election were asserted as the sole basis for regency in their own right. Secondly, instead of proposing a static 'law' by which regency was defined and governed, it is demonstrated here that a shift in thinking about regency occurred during the sixteenth century. At the start of the century, regency was primarily conceived of as a hereditary title, intrinsically linked to the royal succession and a blood relationship to the monarch. Nevertheless, the idea of a hereditary office did not hold a monopoly on how regency was conceived: regents were sometimes selected by monarchical delegation, and the rhetoric of consent from the political community was sporadically employed to challenge regents. By 1568, however, political expediencies in the wake of Mary's deposition led to the emergence of a new conception of regency as an elected office, and gained gradual acceptance from an increasing number of Scots. The idea of 'elective' regency, however, uneasily co-existed with continued reference to and reliance upon ideas of monarchical delegation, particularly as expressed in Mary's letters of abdication. Understandings of regency therefore evolved in a complex manner. Throughout the century, several strands of debate reciprocally informed and interacted with each other.

This historical evolution was reflected in developing terminology, which it is important to outline before commencing our discussion. McNeill observed

that regents who were heirs presumptive to the infant monarch, or 'second person in the realm', were afforded the title of governor rather than regent.¹⁵ This is almost invariably the case in central government and legal documents written in both Scots and Latin, when 'governor' was most frequently rendered 'gubernator'. More widely, however, practice varied. In Buchanan's *History of Scotland*, for example, the Latin terms used to describe 'regents' and 'governors' varied. According to Buchanan, the abdication documents signed by Mary appointed 'rectores', which could be translated as leaders, rulers, or governors.¹⁶ Elsewhere, Buchanan described Moray as a 'prorex', a term most closely translated as 'viceroy', a word rarely used in Scots.¹⁷ Buchanan's desire for stylistic sophistication evidently encouraged him to vary his prose, but in so doing he demonstrated no clear awareness of a distinction between the terms 'regent' and 'governor'. The same fluidity was demonstrated by Herries, whose distaste for minority government opened the introduction. His *Historical Memoir* employed the terms 'regent' and 'governor' interchangeably.¹⁸ By the late sixteenth century, the two terms were therefore not strictly defined when used in non-governmental documents. Rather than 'governor' specifically signifying the position of second person in the realm, developments in the practice of selecting regents occurred concurrently with a linguistic shift, although the two were not causally related.

The title 'protector' also requires consideration. Primarily, this was an English term, but both Albany and Arran employed it, usually combined with the typical Scots title of 'governor', and, more occasionally, the phrase 'tutor to the monarch'.¹⁹ It is highly plausible that this adoption of the term was in at least some instances a direct riposte to Henry VIII's attempts to control government in Scotland, a subject discussed in greater detail in chapter six.²⁰ The fact that David Chalmers' legal dictionary, compiled in the late 1560s, had only one entry for 'Kyng quene croun coronatioun yair first begynning in scotland gouernor protector' shows that by the end of the century protector enjoyed a substantial circulation as a synonym for governor, and that neither term implied a direct relationship to the royal succession.²¹ However, since neither Margaret Tudor, nor Marie de Guise, nor James VI's regents routinely adopted the title 'protector', it evidently failed to achieve consistent or wide usage. More broadly still, the term protector also held religious connotations, connected to the notion of 'cardinal-protectors' who

¹⁵ McNeill, 'Scottish Regency', p. 129.

¹⁶ George Buchanan, *Rerum Scotticarum Historia* (Edinburgh, 1582), p. 222v.

¹⁷ Buchanan, *Rerum Scotticarum*, p. 225v.

¹⁸ John Maxwell, fourth Lord Herries, *Historical Memoirs of the Reign of Mary, Queen of Scots and a Portion of the Reign of King James the Sixth*, ed. Robert Pitcairn (Edinburgh, 1836), pp. 3, 101.

¹⁹ RPS, A1515/5/1. Date accessed: 26 July 2013; RPS, 1543/3/31. Date accessed: 26 July 2013.

²⁰ McNeill, 'Scottish Regency', p. 130.

²¹ David Chalmers, 'Dictionary of Scots Law', 1566, BL Add. Ms 27472 f. 169r.

represented a particular country's interests at Rome. Such religious aspects were encompassed in Henry VIII's use of the title 'protector' in the 1540s, since he clearly sought to bring religion in Scotland into conformity with that of England. Following contemporary practice, therefore, throughout this book, regent and governor are used as synonyms, with a preference for using the term which contemporaries usually applied to each given individual.

During monarchical absences it was standard practice for monarchs to delegate their power to either an individual or a group; likewise, if regents were absent abroad they could delegate their authority to a council of their choice. Pre-eminent individuals on such councils were sometimes styled 'lieutenant' to denote particular responsibilities: for example, Antoine d'Arcy, sieur de La Bastie, who headed the regency council appointed by Albany during his absence in France in 1517, was entitled 'lieutenant of the marches'.²² In circumstances when a single regent was already present in Scotland, the title 'lieutenant' could simply denote a particularly high level of delegated responsibilities: Henri II appointed Henri Cleutin, sieur d'Oysel, as his lieutenant in Scotland, Châtelherault likewise held the position of lieutenant of Mary, Queen of Scots, in Scotland under Marie de Guise.²³ A similar sense of delegated power can be seen in Mary's later attempts to appoint 'lieutenants' during her imprisonment in England.²⁴

Guise represents an anomaly amongst the regents considered in this study since, technically, she was regent for an adult absentee monarch rather than a minor. Ritchie suggested that this gave Guise's regency 'far more political and regal significance than that of previous regents'.²⁵ Although there is no direct contemporary comment on this subject, circumstantial evidence implies that her position as regent for an absentee monarch if anything *limited* Guise's power: since Mary was an adult, it was reasonable to expect that her consent could be secured, for example, on matters that directly affected the crown patrimony, even if this did entail a round trip to Paris. For instance, in 1557, it was proposed that the heirs of soldiers who died in the forthcoming campaign against England should be exempt from paying the usual fees to the crown on entering into their estates. This customary provision was known as the act of Twizelhaugh and based on a proclamation made by James IV prior to Flodden in 1513.²⁶ Parliament acknowledged that Guise was unable to grant this 'because our soverane ladyis derrest mothers commissioun is not

²² For Albany referring to 'regents and lieutenants', indicating the two offices were separate, see: Instructions from Albany to the Council, 7 June 1517, *Acta Dominorum Concilii*, 1517–18, NRS CS5/30 f. 22v.

²³ Henri II to Châtelherault, 12 December 1553, NLS Adv.33.1.9, f. 4v.

²⁴ Instrument of lieutenantry for Châtelherault, Huntly and Argyll, 6 January 1569, BL MS Cotton Calig. C.II f. 123r.

²⁵ Pamela Ritchie, *Mary of Guise in Scotland 1548–1560: a Political Career* (East Linton, 2002), p. 87.

²⁶ Norman MacDougall, *James IV* (Edinburgh, 1989), p. 272.

sufficient'.²⁷ Since several of Guise's predecessors and successors as regent were able to grant similar provisions to those proposed in 1557, this strongly suggests that her powers were more limited.²⁸ Guise's appointment as regent has often been interpreted as an attempt to bind Scotland more securely to France, potentially her limited commission as a regent acting on behalf of an adult monarch also served this aim. The comparative restrictions on Guise as regent for an absentee monarch has a European parallel in the extensive, but nonetheless limited, powers assigned to Juana of Austria, regent of Castile between 1554 and 1559 on behalf of her absentee brother, Philip II.²⁹ Hapsburg territorial expansion meant that absentee monarchy was almost inevitable and regency thus became an essential component of their dynastic strategy. Had Mary, Queen of Scots not returned to Scotland in 1561 it is possible that Scottish conventions developed for regents ruling for a child monarch would have had to adapt further to reflect the new circumstances arising from a permanently absentee Stewart-Valois monarchy.

Monarchical Delegation and Testamentary Provisions for Regency

In contrast to the widespread acceptance that adult monarchs could delegate power where they chose during their absences, and private testamentary practice, a monarch's right to appoint a regent for the heir's minority was contested. In December 1542, an attempt to create a regency council of four on the basis of a notarial instrument allegedly dictated by James V was quickly overturned.³⁰ Moray's regency initially based its claim to legality upon the abdication documents signed by Mary, but by 1568 this uneasily co-existed with new claims surrounding election as the basis for legitimising the King's Party regime. Margaret Tudor's regency, based on her appointment in James IV's testament, is thus the only example of a sixteenth-century regent provided with an unambiguous, legally watertight and widely accepted statement of monarchical delegation to underpin her rule. Even so, there was a lack of clarity surrounding the details of Margaret's role during her son's minority and what her powers actually comprised. This confusion is rooted in the fact that James IV's will does not survive. Margaret was widely described as 'tutrix' (the female equivalent of a 'tutor') or, occasionally, 'tutrix and governor' or

²⁷ RPS, A1557/12/2. Date accessed: 12 July 2013.

²⁸ For similar acts passed by Albany, Arran and Mar respectively see: RPS, A1522/7/1. Date accessed: 16 July 2013; RPS, A1547/9/1. Date accessed: 16 July 2013; RPS, 1571/8/20. Date accessed: 16 July 2013. Indeed, Margaret Tudor's regime extended provisions made by James IV before his departure on campaign by elevating the crime of raping a widow or daughter of a soldier who fell in battle against the English to treason: *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 8r.

²⁹ Jordi Buyeu Juan, *La Corona de Aragón de Carlos V a Felipe II: Las instrucciones a los virreyes bajo la regencia de la princesa Juana (1554–1559)* (Madrid, 2000), pp. 41–2.

³⁰ Andrew Lang, 'The Cardinal and the King's Will', *SHR* 3 (1906), pp. 415–18.

‘tutrice testamentar gouvernor and kepaire’ to the king, therefore a similar title was probably specified in the testament.³¹ The anonymous author of the *Diurnal of Remarkable Occurrants* claimed that whilst Margaret was appointed tutrix, William Elphinstone, bishop of Aberdeen, was appointed keeper of the king’s person.³² Following Elphinstone’s death in October 1514 no provision for a replacement in this role was made by the council, so this remains unconfirmed.³³

John Stewart, duke of Albany and next in line to the throne, represented a more serious potential rival to Margaret’s power.³⁴ Even prior to Margaret’s remarriage there were attempts to bring the duke of Albany to Scotland. At the time of James IV’s death, James Hamilton, first earl of Arran, and Malcolm, third Lord Fleming, were in France where they had been sent to direct the Scottish fleet in the joint military offensive against England. On receiving news of James IV’s decease, Arran and Fleming suggested that Albany should be sent to Scotland forthwith with military support. The timing of their request implies it was highly unlikely that they had received instructions from Scotland: hence they were acting unofficially.³⁵ Elizabeth Bonner draws attention to a letter written by Louis XII on 4 October 1513, replying to an earlier document no longer extant, in which it is made clear that Albany had been requested to return to Scotland ‘comme celluy qui doit avoir le gouvernement et administration’.³⁶ This clearly anticipated a more extensive role than that of a military commander. Whilst thanking the ambassadors for their offer and acknowledging Albany’s ability and right to rule, Louis’s response also displayed caution and suggested that Margaret and the council should make their wishes known prior to a decision.³⁷ Albany’s response to this request for aid did not allude to the statement of his right to rule, and the official instructions to the French ambassador to Scotland issued by Louis on 5 October likewise failed to mention the

³¹ See, for example: Minutes of council meeting 17 Sept. 1514, *Acta Dominorum Concilii*, NRS CS5/26, f. 160, Margaret’s Memorial in Answer to the Lords, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 161v; Minutes of council meeting 18 Sept. 1514, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 165.

³² Thomas Thompson (ed.), *A Diurnal of Remarkable Occurrants that have passed within the Country of Scotland Since the Death of King James the Fourth Till the Year MDLXXV* (Edinburgh, 1833), p. 4.

³³ *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 ff.168v–95v.

³⁴ W. K. Emond, ‘The Minority of King James V, 1513–1528’ (Ph.D. thesis, University of St Andrews, 1988), p. 4.

³⁵ Marguerite Wood (ed.), ‘Introduction’, in *Flodden Papers: Diplomatic Correspondence between the Courts of France and Scotland, 1507–1517* (Edinburgh, 1933), p. lxxiii.

³⁶ Elizabeth Bonner, ‘Stewart, John, Second Duke of Albany (c.1482–1536)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2006 [<http://www.oxforddnb.com/view/article/26488>, accessed 15 May 2014]; Instructions from Louis XII, 4 Oct. 1513, NRS SP7/21 f. 60v; also in *Flodden Papers*, p. 86, ‘as the one who should have the government and administration’.

³⁷ Instructions from Louis XII, 4 Oct. 1513, NRS SP7/21 f. 61; *Flodden Papers*, p. 86.

suggestion.³⁸ If the first earl of Arran was indeed the author of this request, it is tempting to speculate that it was motivated by a degree of self-interest. Arran was third in line to the throne after Albany and therefore may have seen Margaret's appointment to the regency as a challenge to his own rights. If Albany were appointed governor on the basis of his place in the succession yet failed to act in that capacity, Arran would be an obvious replacement. Indeed, Arran later challenged Albany's right to the governorship on the grounds that Albany had been born abroad. Once their relations had recovered Arran enjoyed prominence on the councils appointed to govern Scotland during Albany's absences.

Regardless of its origins or the exact details of the scheme, the idea that Albany should be sent to Scotland evidently met with some approval. On 26 November 1513 a meeting of the great council authorised ambassadors to visit France and request Albany's presence in Scotland.³⁹ Emond believes that at this juncture the council wanted to appoint Albany as lieutenant general with responsibility for the country's administration, and thus relegate Margaret's role to one primarily concerned with keeping James' person.⁴⁰ Albany's anticipated role was outlined in military terms, the council 'consentit that the Duke of Albany suld cum hame to the realme of Scotland for the helping of the said realme and contrair thair inemyis of England, to do service to the yung king, quene and realme in the said defence'.⁴¹ However, this request carried the proviso that Albany should come 'providand alwayis that the persoune of the mast noble king of Scotland be surelie keipit new in his young age and eftir the tenour and divise of the kingis grace, quham God assolye, maid in his last will and testament tharupoune'.⁴² Since James IV's testament is no longer extant the nature of the arrangements which were explicitly preserved here is unknown. It is, therefore, also plausible that the Scots simply wanted Albany to come to Scotland with munitions and experienced Franco-Scottish soldiers to fulfil a military role. The fact the convention named a second possible military commander, Robert Stewart, who had no hereditary rights to the regency, as an alternative to Albany, underscores this military emphasis. It is also worth noting that Albany was supposed to serve the queen as well as the king, that Margaret was present at this meeting, and that, as regent, Margaret would have signed the commission of the ambassadors who went to request Albany's presence and any

³⁸ Instructions au Sieur de la Bastie, 5 Oct. 1513, NRS SP7/21 ff. 62–4; *Flodden Papers*, pp. 88–92; 'Instructions a dire par Monsieur de la Battye de par Monseigneur le duc d'Albanye', Oct. 1513, NRS SP7/21 ff. 65–7; *Flodden Papers*, pp. 93–7.

³⁹ RPS, A1513/1. Date accessed: 1 July 2013; *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 23.

⁴⁰ Emond, 'Minority of King James V', p. 11.

⁴¹ RPS, A1513/1. Date accessed: 1 July 2013; *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 23.

⁴² RPS, A1513/1. Date accessed: 1 July 2013; *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 23.

letters which they carried. In view of her attempts to retain political influence after her regency had ended, it is unlikely that Margaret would have knowingly colluded in a venture which would have reduced her to a mere cipher. More speculatively, it is worth emphasising Margaret's pregnancy and the attendant possibility that she might die during childbirth. In such a situation, it would have been doubly desirable for Albany actually to be in Scotland. Albany's presence would have precluded a period without effective leadership, during which Henry VIII would doubtless have attempted to force his own feet into his dead sister's still-warm shoes.

The events of November 1513 were unlikely to have been an attempt to curtail Margaret's regency. Nevertheless, acceptance of her regency on the basis of monarchical testamentary delegation was contested on other occasions by Scots who preferred Albany, presumably on the basis of his place in the succession. On 11 June 1514, Louis mentioned another offer for Albany to become 'gouverneur et regent'.⁴³ This offer was believed to emanate from the Scottish government, for on 13 June 1514 Albany thanked Margaret and the council for their offer of the governorship.⁴⁴ No such offer is recorded in the council register. Scots dissatisfaction is reflected in broader international confusion regarding Albany's position. Pope Leo X, for example, addressed Albany as 'governor and viceroy' on 11 April 1514.⁴⁵ Despite the clear statement in the council register that Albany was officially addressed as governor for the first time in August 1514, there was domestic dissent and international confusion regarding provisions for government during James V's minority.⁴⁶ In inviting Albany to come to Scotland prior to Margaret's remarriage, whoever issued the invitations in September 1513 and June 1514 fundamentally challenged the monarch's right to treat the governance of the kingdom in a manner analogous to the administration of a private estate, to be regulated according to the monarch's personal preference. These individuals evidently felt that when monarchs provided for the country's administration after their deaths, hereditary rights should be taken into account and the opinions of counsellors considered. Whilst private law accorded the testator the right to appoint executors and tutors for estates and heirs, the monarch's preference as the 'testator' of the royal estate could be relegated to being a secondary factor when public matters of the administration and governance of the realm were at stake.

The debate surrounding Margaret's right to the regency continued even after her loss of power, since Margaret sporadically asserted that regardless

⁴³ Instruction à Maistre Jacques Ogilvy, 11 June 1514, NRS SP7/21 f. 70; *Flodden Papers*, p. 105.

⁴⁴ Instructions to Ogilvy from Albany, 13 June 1514, NRS SP7/21 f. 73; *Flodden Papers*, pp. 109–10.

⁴⁵ Leo X to Albany, 11 April 1514, in Denys Hay and R. K. Hannay (eds) *The Letters of James V* (Edinburgh, 1954), p. 8.

⁴⁶ For when Albany was first addressed as governor: Minutes of council meeting 26 Aug. 1514, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 159.

of her remarriage she ought to have continued as regent. In October 1515, for instance, she stated that she should return to authority over both her son the king and Scotland, 'accordyng to the laste will and testament of my late spouse', averring that she had obtained papal support for this venture.⁴⁷ The estates responded in the negative. In so doing, they presented an account of regency which rested on separating the governance of the realm as an office distinct from the position as tutor to the monarch. Margaret's invocation of the pope's opinion was quickly dismissed on the grounds that 'ye realme of Scotland has euir bene sen ye fi[rst] Inhabitioun of It in temperalite Immediatlie subiect to almyti god not recognostand nane v[er] superior in Erd'. Since the governance of the kingdom was a temporal matter, no foreign prince, potentate, nor even the pope, could intervene with the laws or provisions made by the estates relating to this matter.⁴⁸ Regarding Scotland's governance, the council explained that 'it is ane office yat was not nor myt not be left be ye kingis grace youre spous in his last will bot expirit be ye deceise of ye said king and was devoluit yairby to ye thre estatis', who had appointed Albany as governor. Regarding the tutory of the king, the council acknowledged that Margaret had held it (presumably on testamentary grounds), but reminded her that she herself had publicly accepted that she 'haue tynt ye sad office be ye Ciuile law and lawis of ye realme because ye ... tuke ane second husband ... Quharethrow ye said office of tutorie was devoluit to my said lord gouvernour as nerest agnat of ye kingis blud.'. This account of proceedings does not explain why Albany was only described as governor in the council register following Margaret's remarriage. However, it does resonate with the attempts to secure Albany as governor which occurred outwith the council's official actions prior to this date, and probably reveals the theoretical basis for such attempts. In any event, this discussion reveals that even when a monarch provided a testament, sufficient ambiguity surrounded regency that multiple interpretations of that testament emerged to suit opposing political agendas. Regardless of what James IV's testament actually said, what the deceased monarch meant by the words he used in that document, or what the council had thought the testament meant in 1513, by 1515 it was inconvenient for the council to afford it any more significance and, accordingly, it was effectively dismissed.

Before moving on, it is worth pausing to consider Margaret's position as queen mother. Reflecting private testamentary law, whilst queen mothers had no intrinsic rights to the regency, they represented an attractive choice for appointment as regent by monarchical delegation. In addition to a supposed natural affection towards their children, queen mothers were likely to protect them through self-interest, because their 'foreignness' and lack of a kin group within Scotland rendered queen mothers particularly dependent

⁴⁷ Margaret to Albany, 10 Oct. 1515, BL MS Cotton Calig. B VI f. 134v.

⁴⁸ Council to Margaret, 13 Oct. 1515, BL MS Cotton Calig. B VI f. 135.

on their children for support.⁴⁹ The minorities of James II and James III provided strong, albeit varied, precedents for a queen mother's involvement in government.⁵⁰ Although Queen Joan's successful pursuit of James I's murderers dominated the opening months of James II's minority in 1437, she quickly lost power to Archibald, fifth earl of Douglas, and within two years she had also lost custody of the king.⁵¹ By contrast, Mary of Gueldres successfully shared rule with a council in a stable regime which endured from the start of James III's minority in 1460 until her own death three years later.⁵²

The varied position of queen mothers in late medieval Scotland was not unique; 'personalities and particular circumstances' similarly dictated the dowager's role in late medieval English minorities.⁵³ Queen mothers often played a prominent role in administration of the country during French royal minorities, likewise holding their position by virtue of monarchical delegation. Writing in support of Catherine de Medici's regency on behalf of her son in 1560, Jean du Tillet cited the example of Charles V, who chose to appoint his wife Jane 'tutrice & Regente principale des personnes de leurs enfans, & du Royaume' in 1337, a decision based on the belief that maternal affection granted mothers a heightened sense of care towards their offspring.⁵⁴ The phenomenon of a French queen mother serving as regent occurred so frequently that it has led to contentions that in France regency was 'gendered female' and that, by employing rhetoric of maternal affection to justify their rule, female regents created a 'remarkably durable and flexible' political office.⁵⁵ These conclusions are not transferable to the markedly different Scottish context. Since the French royal succession was dictated by Salic law, regency was the only way in which a woman could wield monarchical authority in France. This was not the case in Scotland, which could and did experience queens regnant and had multiple traditions surrounding regency, ensuring that neither monarchy nor regency was the preserve of only one sex.⁵⁶

⁴⁹ Fiona Downie, *She Is but a Woman: Queenship in Scotland, 1424–1463* (Edinburgh, 2006), pp. 133–4.

⁵⁰ Downie, *She Is but a Woman*. For Joan Beaufort: pp. 138–55; for Mary of Gueldres, pp. 156–82.

⁵¹ Alexander Grant, *Independence and Nationhood: Scotland 1306–1469* (Edinburgh, 1984), pp. 191–3; Michael Brown, *The Black Douglasses: War and Lordship in Late-Medieval Scotland, 1300–1455* (East Linton, 1998), p. 246–50; Christine McGladdery, *James II* (Edinburgh, 1990), pp. 32–48.

⁵² Grant, *Independence and Nationhood*, p. 196; Norman MacDougall, *James III: a Political Study* (Edinburgh, 1982), p. 54.

⁵³ J. L. Laynesmith, *The Last Medieval Queens* (Oxford, 2005), pp. 158–9.

⁵⁴ Jean du Tillet, *Pour la Maiorite du Roy Tres-chrestien, contre les escrits des rebelles* (Tours, 1560), p. B. 'tutor and principal Regent to the persons of their childre, and to the Kingdom'.

⁵⁵ Katherine Crawford, *Perilous Performances: Gender and Regency in Early Modern France* (Cambridge, MA, 2004), pp. 19, 49, 107.

⁵⁶ In December 1567 legislation was drafted to preclude women from taking 'publict autoritie' but although marked 'Fund gude', this was not passed. RPS, 1567/12/31. Date accessed: 12 January 2014.

Regardless of the challenges Margaret encountered, and a lack of clarity regarding her power as a queen regent amongst contemporaries which has bled through into modern scholarship, her right to administer Scotland on the basis of James IV's testament was accepted by a significant proportion, although not all, of the political elite. The support Margaret enjoyed is demonstrated by the bond of unity made by the council at eleven in the morning on 12 July 1514, in which thirty-three notables declared, 'Madame we ar content to stand In ane mynd and will and to concuor with all ye lordis of ye Realme to ye plesour of our master ye kingis grace your grace and for ye common weile And to use nane vyer bandis now nor in tymis to cum In ye contrar'.⁵⁷ The fact that a bond was necessary may reveal an awareness that such support was not universal, but the list of signatories is impressive. More speculatively, did this bond of support for Margaret give her the impression that she would continue as regent even if she remarried? If so she was evidently mistaken, since only six weeks later the council recorded that following her marriage, 'ye quenis grace with consent of hir spous and lordis forsaid sall ceis fra using of all manner of thingis pertenyng to ye croun and consentis to abstene hir self yair fra'.⁵⁸ Although initially the suspension was temporary, Margaret ultimately lost the regency 'Because sche has contractit mariage ... throw the quhilk the office of tutory cassis in hir Conforme to the Lawis ... of the Realme'.⁵⁹ In turning to Albany as the next in succession, the council acknowledged the degree of support which his candidacy already enjoyed. However, since Albany was appointed on the basis of his place in the succession, the council did not exercise a free choice in selecting Albany as regent; rather, they merely confirmed the identification of the correct individual in his rights. The power transfer from Margaret to Albany was the point in the sixteenth century when private law conventions exerted the strongest influence over the selection of regents.

Regency and the Royal Succession

Both the offers of the governorship received by Albany prior to Margaret's remarriage were predicated upon a belief in the most enduring and widespread criterion employed for selecting regents, namely, a place in the succession. Albany's selection on this basis is striking since in strict legal terms at the moment of his appointment he was excluded from holding property or rights in Scotland. In 1483, Albany's father, Alexander, had suffered

⁵⁷ Minutes of council meeting, 12 July 1514, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 143.

⁵⁸ Minutes of council meeting, 26 Aug. 1514, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 159r.

⁵⁹ Minutes of council meeting, 8 Sept. 1514, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 165.

forfeiture as a result of his opposition to James III. This excluded Alexander and his successors from the dukedom of Albany and the royal succession.⁶⁰ The offers of the governorship which Albany received prior to this reversal reveal both a general belief that regency was connected to the succession, and a specific understanding in Albany's case that his father's forfeiture had been invalid. This latter point was demonstrated in July 1515 when Albany requested advice on the correct protocol surrounding his attire in parliament. The council's advice was that he should 'weir ane mantill of ane duke the crovnaile of ane duke the septour in signe of Regiment and gouernyng of the realme and the suerd In signe of Iustice witin the samin'.⁶¹

In this context of a widespread acceptance of Albany's hereditary right to the regency, it appears surprising that at a council meeting on 28 September 1515, Albany 'schew how he was cumin in this Realm as gouernor at the command of the lordis of the sammyn & chosin be thaim to the said office to doo the kingis grace & the Realme seruice and to caus Justice to be kepit thairintill'.⁶² Intending imminently to undertake a campaign against thieves on the Borders, this speech served as a prelude to a request for support in this venture. It is highly unlikely that emphasising the 'choice' of the lords indicates that Albany considered that he had been elected by the council. Rather, rehearsing the council's role in his advancement to the regency constituted a powerful rhetorical device designed to emphasise obligations of obedience and service. The rhetoric of consent and choice thus remained important for regents, irrespective of the source of their power. The principles of delegation and succession as factors in determining the regency are also evident in arrangements made for government during Albany's absence from Scotland in 1517. Albany initially delegated power to a council headed by his confidant Antoine de La Bastie. Following La Bastie's assassination, James Hamilton, first earl of Arran, who was next in line to the throne after Albany, succeeded him.⁶³

Nevertheless, even the apparently straightforward process of appointing regents by identifying the child monarch's heir could be contested. In 1515 Arran unsuccessfully challenged Albany's right to the governorship on the grounds that Albany had been born abroad and was unable to speak Scots.⁶⁴ Here, Arran attempted to qualify succession with cultural conditions of nationality. This was not the only unsuccessful attempt to manipulate the details of the succession to mount a challenge to an incumbent regent. In 1544, Matthew Stewart, earl of Lennox, challenged the right of Arran's son,

⁶⁰ For this forfeiture see: *RPS*, 1483/6/13. Date accessed: 24 June 2014.

⁶¹ Minutes of council meeting, 11 June 1515, *Acta Dominorum Concilii*, 1515–16, NRS CS5/27 f. 41. See also: Emond, 'Minority of James V', p. 67.

⁶² Minutes of council meeting, 28 Sept. 1515, *Acta Dominorum Concilii*, 1515–16, NRS CS5/27 f. 73v.

⁶³ Emond, 'Minority of James V', pp. 177, 191–247.

⁶⁴ George Buchanan, *History of Scotland* (2 vols, London, 1733), II, p. 137; Emond, 'Minority of James V', pp. 95–6.

the second earl, to be governor. To do so, Lennox asserted that the first earl of Arran and his countess were not legally married: their son, the second earl, was therefore illegitimate and had no rights in the royal succession or, indeed, as earl of Arran. Although this claim was widely rejected within Scotland, it was accepted by Henry VIII.⁶⁵ Following Lennox's defection to England, Henry promised that should the English conquest of Scotland prove successful, Lennox would be appointed governor 'unernethe his highness [i.e., Henry]'.⁶⁶ A key aspect of the alliance between the two men was Lennox's marriage to Henry's niece, Lady Margaret Douglas, daughter of Margaret Tudor by her second husband, the earl of Angus.⁶⁷ The earl and countess of Lennox were a dynastic power-couple, combining rights to the English and Scottish crowns. It was probably with this threatening dynastic potential in mind that Henry required Lennox to resign his rights to the Scottish crown.⁶⁸ The legality of resigning rights held in one country under another's legal system is questionable, and there is no evidence that this resignation of Lennox's rights was widely known in Scotland. Nonetheless, from Henry's perspective, Lennox's resignation served his agenda of asserting English suzerainty in Scotland in two ways. First, it ensured that should Lennox ever become 'governor' of Scotland he would do so as Henry's appointee and thus be beholden to him, rather than as an independent prince who held his post by virtue of his position in the succession. Second, by forcing Lennox to resign his rights to the Scottish crown, Henry possibly sought to minimise the dynastic potential, and threat, of the couple's future offspring. Henry's primary aim was doubtless to assert his legally unfounded claim to be 'director and protector of the realme of Scotland', a subject to which we shall return in chapter six.⁶⁹ However, by making Lennox resign his rights, Henry effectively also sought to overcome the regency's connection to the succession and reduced it to an office held on the basis of monarchical appointment.

The understanding that regency was conferred on the basis of a position in the succession retained popularity throughout the century. It also produced the account of the office which was most similar to understandings

⁶⁵ Peter McNeill, 'The Legitimacy of the Earl of Arran', in Hector MacQueen (ed.) *Stair Society Miscellany Five* (Edinburgh, 2006), pp. 51–67.

⁶⁶ Indenture between Henry, Lennox and Glencairn, 17 May 1544, TNA SP49/7 f.50v; Treaty between Henry VIII and Lennox, 26 June 1544, TNA E39/84; Instructions to Wharton and Robert Bowes [March 1544], TNA SP49/7 ff. 19v–20; The final agreement: Indenture between Henry VIII and Lennox, 26 June 1544, TNA SP49/7 ff. 79–80; The most detailed account of these negotiations is in: Sarah Macauley, 'Matthew Stewart, Fourth Earl of Lennox and the Politics of Britain, c.1543–1571' (Cambridge PhD, 2006), pp. 54–6.

⁶⁷ Wharton and Bowes's instructions [1544], TNA SP49/7 ff. 26–8; Indenture between Henry VIII and Lennox, 26 June 1544, TNA SP49/7 f. 79v.

⁶⁸ Articles for the party of the earl of Lennox, [1544], TNA SP49/7 ff. 86v–7.

⁶⁹ Indenture between Henry, Lennox and Glencairn, 17 May 1544, TNA SP49/7 f.50v; For details on the process of Lennox's defection see: Macauley, 'Matthew Stewart', pp. 54–6.

of hereditary monarchy. Both election and delegation as methods of selecting regents entailed an element of choice, whether by monarch, council or parliament. Adherence to the succession, however, produced a blood-based, quasi-monarchical account of regency. Regents who held office by hereditary right, as part of an inherited patrimony, were princes in their own right, solely accountable to the monarch when the latter reached majority, and, of course, to God. Those who held office by virtue of delegation or election, by contrast, were beholden to others to whom they owed their appointment and could, potentially, have conditions placed upon their rule including, for instance, a prohibition from remarriage, a quorum of attendance for business to be transacted in a council, or, as we shall see in chapter two, a contractual obligation to consult the estates on certain subjects.

Nevertheless, should the second person in the realm obtain the regency, his or her power was restricted in one crucial way. In private law, heirs to minors were restricted from taking a role in their day-to-day care on the grounds that personal ambition to succeed might encourage them to murder their charges.⁷⁰ The same homicidal cocktail of power, opportunity and ambition was assumed to have an equally potent effect upon regents.⁷¹ The separation of powers instituted as an attempt to overcome this was evidently well accepted by James V's minority and its importance is illustrated in a respite for treasonable acts granted to Cuthbert, earl of Glencairn, in 1526. Glencairn's alleged treasons included 'arraying of ane feild and battale agains' Albany, and, ironically, 'introumetting with the kingis persone in cumpany with the said Johne duke of Albany his tutour, he [Albany] being immediatlie to succede to him [James V] and nocht able be the law to have his persone in keeping'.⁷² Comparable restrictions were evident in appointing regents in France.⁷³

The rhetorical uses of such concerns, however, shifted substantially over the course of the sixteenth century. Albany's supposed excessive ambition became a leitmotif in English and Anglophile commentary on his governorship. Surrey's hysterical fear that Albany would either spirit James V into France or, alternatively, that James would be 'poysoned and distroyed' was typical, as was Gavin Douglas, the pro-English Bishop of Dunkeld's, epithet of 'wikkyt duke'.⁷⁴ The warden of the East Marches, Thomas, second

⁷⁰ McNeill, 'Introduction' to *Balfour's Practicks*, I, p. lii. See also Morton articulating concerns on this point: Morton to English Council, 18 February 1575, TNA SP52/26 f. 165.

⁷¹ 'Anent ye electioun of a regent during ye princis les age', NRS GD149/265 f. 67r; HH CP 138 f. 54; Haynes, *Collection of State Papers*, p. 485.

⁷² RSS, I, p. 520, no. 3440.

⁷³ Crawford, *Perilous Performances*, p. 13.

⁷⁴ Surrey to Wolsey, 2 Dec. [1523], TNA SP49/2 f. 67. Dunkeld to Wolsey, 31 Jan. [1521/2], TNA SP49/1 f. 130. Dunkeld reported rumours that Albany sought Angus's assassination in order that Margaret would be widowed and so free to marry him.

Baron Dacre, was particularly vociferous in advancing such allegations.⁷⁵ John Skelton, one of Henry's court poets, rehearsed similar accusations in verse following Albany's attempted invasion of the English borders in 1523. According to Skelton, Albany's intent was: 'To put his [James V's] eyes out/ And put him down, /And set his crown/On your own head/When he were dead'.⁷⁶ Skelton's scurrilous accusation vividly illustrates the fears which the English and Anglophile Scots professed to hold towards Albany. Naturally, as James V's maternal uncle, Henry VIII was considered to be immune from any homicidal agenda. These alleged concerns thus served to bolster his claims to control both James V and his kingdom.

By the time of the York-Westminster conference of 1568–9, the spectre of a wicked uncle was deployed to more far-reaching ends. Rather than raising such concerns as a method of challenging one particular regent, the King's Party cited threats to monarchical security as a reason to reject entirely succession as a method of determining the regency. Their justification of elective regency cited alarming precedents of regents who were heirs taking advantage of their power to murder the monarch. These regicidal regents included Robert, duke of Albany, who was accused of starving his nephew, Prince David, to death in Falkland Palace in 1402 whilst acting as guardian of Scotland during the incapacity of Robert III.⁷⁷ International examples included 'kyng richard in ingland of Duk ludouic Sforcia in millan quhairbe wyl appeir how dangerus it is to commit gouvernement of ane realm to the nixt of blud and nix in succession'.⁷⁸ Thanks at least in part to Thomas More's history of his reign, Richard III's story was well known throughout the British Isles in the late sixteenth century, and it is hard to read his inclusion here as anything other than a deliberate appeal to the anticipated Tudor audience. Ludovic Sforza was a more unusual exemplar. Ludovic became regent of Milan in 1476 during the minority of his nephew, Gian Galeazzo. Following Gian Galeazzo's death, Ludovic received the ducal crown on 22 October 1494, passing over the deceased duke's young son who would otherwise have inherited. Contemporary rumours that Gian Galeazzo Sforza had been poisoned by his ambitious uncle Ludovic were rife.⁷⁹ Closer to home, Châtelherault's decision to approve Mary, Queen of

⁷⁵ Dacres to Council 14 Jul. 1515, TNA SP49/1 f. 22; Dacres to the Cardinal 17 April 1517, TNA SP49/1 f. 90v; Dacres to Wolsey 19 Dec. 1521, BL MS Cotton Calig. B II f. 345.

⁷⁶ John Skelton, 'How the Doughty Duke of Albany Like a Coward Knight, Ran Away Shamefully', in John Skelton *The Complete Poems of John Skelton, Laureate* ed. Philip Henderson (London, 1931), p. 325. I am grateful to Oli Wort for this reference.

⁷⁷ 'Raisons for and against the fre Election to the Guvernement During the Les age of Princis', NRS GD149/265 f. 65v; HH CP 138 f. 55; Haynes, *Collection of State Papers*, p. 484.

⁷⁸ 'Raisons for and against the fre Election to the Guvernement During the Les age of Princis', NRS GD149/265 f. 66r; HH CP 138 f. 55; Haynes, *Collection of State Papers*, p. 484.

⁷⁹ For one contemporary example of such rumours see: Francesco Guicciardini, *The History of Italy*, ed. Sidney Alexander (New York, 1969), p. 54. For a modern analysis

Scots', upbringing in France was criticised. Although this stopped short of a direct accusation of murderous intentions, consideration of the broader context indicates that contemporaries might have inferred a desire for infanticide. During Châtelherault's governorship, the English alleged 'that he with a few others for priuat gayn have delivred the yong quene in to fraunce by daungerous passage by Sea wherethrough if she had perished he might himself have aspyred to the croun of Scotland'.⁸⁰ Indeed, Elizabeth rather disingenuously claimed during the Marian Civil War that her military intervention was purely to protect James as a near kinsman, 'knowing what persons be his adversaries and how profitable it may seme to them, to have hym destroyed and otherwise we meane not to entermedle with the title of ye Crowne but only to preserve his person who for nearness of blood we to and will tender as he war our owne'.⁸¹ This uncharacteristically maternal and interventionist pronouncement from the Virgin Queen underscores the rhetorical power of the spectre of the king-killing heir.

For their part, during the York-Westminster debates the Queen's Party were anxious to overcome such concerns, reiterating the traditional position that when a regent was due to succeed to a monarch, 'thay ar not permittit to haue the keping of thair personis because thay suld succed to the saidis minoris'.⁸² The Queen's Party also appropriated this rhetoric to their own advantage, for accusations of obsessive ambition assumed prominence in their anti-Moray polemic. An anonymous manuscript poem circulated during the Westminster part of the 1568–9 conference claimed that Moray found in 'Glocester that Traytor vyle/A perfect pattern chaise'.⁸³ Indeed, rumours that Moray's ambition for the crown had resulted in an alliance with Elizabeth resulting in threats to James VI's safety and Scotland's independence became so prevalent that Elizabeth felt obliged to issue a public denial of their validity.⁸⁴ The theme of Moray's excessive ambition remained prominent in Queen's Party propaganda even after his assassination.⁸⁵ It was also with Moray in mind that the Queen's

of Ludovic's propaganda campaign to legitimate his claims see Rinaldo Rinaldi, 'The Po Valley Courts', in M. Gosman et al. (eds.), *Princes and Princely Culture 1450–1650* (2 vols, Leiden, 2005), II, pp. 28, 35, 37.

⁸⁰ Instructions for Thomas Fisher [late June 1548], TNA SP50/4 doc. 45, f. 6 of document.

⁸¹ Elizabeth to Drury, 7 June 1571, TNA SP52/19 f.136v.

⁸² 'Anent ye electioun of ane regent during ye princis les age', NRS GD149/265 f. 67r; HH CP 138 f. 54; Haynes, *Collection of State Papers*, p. 485.

⁸³ Anon. [Bishop of Ross' hand?], 'A Rhyme in Defence of the Queen of Scots against the Earl of Moray', 9 Dec. 1568, TNA SP53/2 ff. 145–50, lines 39–40, 199–212.

⁸⁴ 'A proclamation declaring the untruth of certen malicious reportes devised and published in the Realme of Scotland', 22 Jan. 1569, TNA SP52/16 f. 11; Elizabeth to Mar [Jan. 1569], TNA SP52/16 f. 13.

⁸⁵ Richard Bannatyne, *Memoriales of Transactions in Scotland*, ed. R Pitcairn (Edinburgh, Bannatyne Club, 1836), pp. 5–14; Jane Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots: the Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002), pp. 178–9; Roger Mason, 'George Buchanan's Vernacular Polemics', *Innes Review* 54

Party statement on regency explicitly dismissed potential suggestions that it was solely the proximity of blood relationship to the monarch that determined appointment to the regency. It was a place in the succession, rather than family connection, that was essential, 'Vtherwys king henry of worthy memoir mycht haue clamit the government of that realme [Scotland] during the minoritie of the said king James, as nearest of blude to him, he being his moder brother, and the duke of Albany standing to his majestie in second and third degreis of consanguinitie'.⁸⁶ The parallel with Scotland's current circumstances was too obvious to be missed. As James VI's 'moder broder', Moray was indeed the king's closest living male relative. However, although Châtelherault was a more distant blood relation his position as James' heir apparent secured him the right to be regent.⁸⁷

Elective Regency

Claims that a monarch's heir should be regent, and vociferous challenges to that position, were thus asserted throughout the sixteenth century. The shrill tone which emerged at the York-Westminster debates, however, perhaps resulted from a new challenge to notions of hereditary regency. Whilst understandings of regency as bestowed by delegation or heredity had long co-existed, from the time of the York-Westminster conference onwards, a new understanding of regency as elective was developed. This emerged in parallel to Buchanan's more famous claims that monarchy in Scotland had elective origins and provided the basis for a new understanding of the country's administration. The right to govern Scotland during a minority was no longer perceived as part of the private 'estate' of an individual monarch, to be disposed of according to testament or inherited on the basis of familial relations, only failing which could the estates choose a governor. Buchanan's influence ensured that the kingdom's administration was increasingly understood as a matter to be determined solely through the involvement and consent of the nobility and estates. In earlier sixteenth-century regencies, the estates had played an important role in confirming regents who claimed power by delegation or succession in post, a function they had likewise performed in earlier centuries. For instance, following the accession of David II in 1329, the regency initially passed to Thomas Randolph, earl of Moray, close confidant of, and nominated by, Robert I. Randolph's successor, Donald, earl of Mar, was the king's closest adult heir, and obtained the regency following

(2003), pp. 46–68, at p. 52; Malcolm Laing (ed.), *The Historie and Life of King James the Sext* (Edinburgh, 1804), pp. 23, 27.

⁸⁶ 'Anent ye electioun of ane regent during ye princis les age', NRS GD149/265 f. 67r; HH CP 138 f. 54; Haynes, *Collection of State Papers*, p. 485.

⁸⁷ James VI's great-great-great grandfather, James II, was Châtelherault's great-grandfather.

discussions amongst members of the council.⁸⁸ It is unclear how his successors were chosen, but since adult males of the royal blood were in short supply after Mar's death, his immediate successor, Sir Andrew Moray, may have been chosen as the next best thing: as the king's uncle by marriage, he potentially held a place in the succession by virtue of his wife, Christian Bruce.⁸⁹ Moreover, the appointment of David's heir apparent, Robert the Steward, first as joint and then as sole guardian, points to a continued relationship between succession and guardianship even if this was mediated by the estates. The selection of guardians following Alexander III's death in 1286 and during the subsequent interregnum and conflict likewise involved the broader political community, although these circumstances were distinct from those of a minority. Nevertheless, despite these precedents for wider involvement in selecting regents the explicit articulation of a belief that the estates' choice was the only way in which regents could legitimately wield power was a major development of the 1560s and 1570s. The 1568 King's Party statement on regency represents the first full-scale account of election as the sole basis from which regents should be appointed. It was also a significant moment within Moray's regency, marking a shift away from using Mary's letters of abdication, towards claims that he was elected, as the primary basis for his power.

Buchanan was present at the York-Westminster conference, rendering his involvement in penning the King's Party statement on regency highly likely. The emphasis on precedents and supportive historical examples of elective regency to strengthen the argument were both characteristic of Buchanan's style and necessary in the absence of statutory provision.⁹⁰ The King's Party's defence of elective regency began by explaining that Scotland's original form of monarchy had precluded the need for regents, for 'In the Begynninge, the Law of Scotland was that the kingis bairnis being of non age, the nerast of the kyngis howse that war able to gouerne, suld be kinge

⁸⁸ David's brother, John, and cousin, Robert the Steward (the future Robert II) were children, and all of Robert I's brothers had died by 1318 and no legitimate issue had survived by Randolph's death in 1332. Donald earl of Mar was the son of Robert I's elder sister and thus probably the senior adult male in the Bruce line of succession.

⁸⁹ The order in which Robert Bruce's sisters were born is unclear. Isabel, who may have been the eldest, was married to Eric II of Norway, who died in 1299 leaving a daughter. If Christian was older than her two sisters Mary and Maud, then Sir Andrew Moray would have had a strong claim to the throne via his wife if David, John and their cousin Robert the Steward had died in infancy. Bruce Webster, 'Scotland without a King, 1329–1341', in Alexander Grant and Keith J. Stringer (eds), *Medieval Scotland: Crown Lordship and Community* (Edinburgh, 1993), pp. 223–39 at p. 225.

⁹⁰ Webb has helpfully identified that the copy of the King's Party response in the NRS is not in Buchanan's hand. However, the documents in the NRS are probably not the originals submitted to the conference (it is likely the English commissioners would have retained these, and one of them is even marked 'Copie'), thus, they are probably in the hand of a scribe. Furthermore, it is likely that Buchanan was aided in producing this work by the other Scots commissioners with relevant specialist legal knowledge, James MacGill and Henry Balnaves, it is just as plausible one of them acted as scribe for the document. Webb, 'The "Gude Regent"?', p. 101, n. 706.

for his Lyif tyme, and efter hys decese, the crowne suld returne to the kyngis bairnis'.⁹¹ Interestingly, this stopped short of claiming, as Buchanan would in his *History*, that monarchs were selected from the dead king's kin on the basis of 'who was judged most accomplished for the Government'.⁹² Rather, this suggested that replacement monarchs were invariably selected on their place in the succession. Such relative conservatism in preferring 'nearest' over 'most accomplished' may have been deemed prudent given the English audience for whom the account was intended. Tensions arising from this system led to frequent murders motivated by ambition to rule, so that eventually Kenneth II (*sic*), 'with consent of the nobilitie maid ane law that the kyngis bairnis suld succed efter thair fatheris decese and geif thay war within age The estatis suld chuis ane gouvernour to the realme vn to the age of xiiij zerris of the pupil.'⁹³ The statement was supported by a variety of alleged historical precedents demonstrating the estates' role in election. The contrasting example of Margaret Tudor's appointment as the widow of James IV in his testament was mentioned but not discussed in detail and the surprising earlier claim that the governance of the realm had died with James IV was not revived. Presumably, it had been forgotten.

Buchanan was not only present at the York-Westminster conference, but he also provided an account of its proceedings in book XIX of the *History*. This should be considered in the context of the other major record of events at the conference, which emerges from evidence in the English state papers. Particularly important material resides in the 'book of entries' compiled by the chief English commissioner, Thomas Howard, duke of Norfolk, and in the state papers relating to Mary, Queen of Scots.⁹⁴ Whilst Buchanan's account is supported by the English sources on many points, there are some points of departure.⁹⁵ Buchanan's version appears to have incorporated some alterations for dramatic effect, and at times probably conflated several different events. Norfolk's entry book indicates that discussion on the subject of regency first arose on 20 October, initiated by a request from the English commissioners.⁹⁶ By 21 October, Moray had probably either seen his opponents' explanation of the law of regency or guessed its contents since he penned a vociferous set of proposals outlining the case for his own continued

⁹¹ 'Raisons for and against the fre Election to the Guvernement During the Les age of Princis', NRS GD149/265 f. 65r; HH CP 138 f. 55; Haynes, *Collection of State Papers*, p. 485.

⁹² Buchanan, *History*, I, p. 122.

⁹³ 'Raisons for and against the fre Election to the Guvernement During the Les age of Princis', NRS GD149/265 f. 65r; HH CP 138 f. 55; Haynes, *Collection of State Papers*, I, p. 485.

⁹⁴ Haynes, *Collection of State Papers*, I, p. 485; TNA SP53/2.

⁹⁵ HH CP 138 f. 54; Haynes, *Collection of State Papers*, I, p. 485.

⁹⁶ HH CP 138 f.54; Haynes, *Collection of State Papers*, I, p. 485.

government.⁹⁷ Moray argued that his regency rested on the law of Kenneth III (*sic*) 'extant in our chronicles and ever since that time used in continual practice that the states shall have election of the administrator during the less age'.⁹⁸ He then cited the private law prohibiting the heirs of minors from having care of them as further evidence that succession did not determine the regency. These points would re-emerge in the King's Party's more public statement on regency, but Moray then moved on to more specific claims which were not suitable for inclusion in a general description of legal practice. These comprised a prediction that any discussion of a change of government would be food for the 'wykyd stomaks of all seditious personis'. Becoming still more focused, Moray reminded his English readers that Châtelherault's governorship of 1542–54 had included a prolonged period of Anglo-Scottish warfare. The government of such a person as Châtelherault, he concluded, could offer Elizabeth no possible advantage – the inferred contrast with his own continued regency was too self-evident to require explanation.⁹⁹

The report which Norfolk and the other English commissioners sent to London on 20 October did not record the Scots' responses to the English request for statements on regency; however, it did discuss arrangements for the immediate transfer of the conference to London.¹⁰⁰ It is likely that whilst initial statements were prepared in York in October, that discussion was thereafter halted pending the move south. The subject was then revisited, perhaps on 14 December, when the conference transferred to Hampton Court and all the preceding discussions were outlined for the benefit of an enlarged English audience.¹⁰¹ Buchanan's account of the conference does not mention the English request for statements on minority government in Scotland which initiated the events of 20–22 October in York. Rather, Buchanan claimed that regency was discussed in Elizabeth's presence (i.e., after the conference had moved to London in November).¹⁰² Herries, who attended the conference as a commissioner for Mary, provides a similar account of proceedings to that offered by Buchanan, perhaps influenced by Buchanan's *History* where his own memory failed.¹⁰³ The only departure from Buchanan's account was that, unsurprisingly for a pro-Marian writer, Herries abridged the King's Party statement.¹⁰⁴ At this point both Buchanan and Herries noted that another

⁹⁷ 21 Oct. 1568, 'Certayne Hedis Requyred by my lord Regent of Scotland', TNA SP53/2 ff. 55–58.

⁹⁸ 21 Oct. 1568, 'Certayne Hedis Requyred by my lord Regent of Scotland', TNA SP53/2 ff. 56r–v.

⁹⁹ 21 Oct. 1568, 'Certayne Hedis Requyred by my lord Regent of Scotland', TNA SP53/2 ff. 56r.

¹⁰⁰ Norfolk, Sussex and Sadler to Cecil, 20 Oct. 1570, TNA SP53/2 f. 22.

¹⁰¹ Minutes of the Conference at Hampton Court, 14–15 December 1568, BL MS Cotton Calig. C I f. 355.

¹⁰² Buchanan, *History of Scotland*, II, pp. 374–7.

¹⁰³ Herries, *Memoirs*, p. 83.

¹⁰⁴ Herries, *Memoirs*, pp. 110–11.

interested party joined the debate: the duke of Châtellherault, who Buchanan averred initiated discussion in an attempt to secure the regency for himself.

Châtellherault was not one of Mary's commissioners to the conference, but had arrived in London in October 1568 en route to Scotland, breaking his return journey from France. Buchanan's account of Châtellherault's speech accurately reflects the emphasis in the Queen's Party statement on the hereditary regents appointed during James V's and Mary's minorities. Both Buchanan and Herries reported that Châtellherault then expanded on his theme to complain that 'he was not excluded from that Office by any lawful Suffrages, but unjustly by the Rebellious; and that which increased the Indignity was, that it was done in Contempt of the Blood Royal, and a Bastard set up in his Room'.¹⁰⁵ Buchanan's account of the corresponding King's Party statement expanded on the historical examples of the original, highlighted the constitutional changes under Kenneth II, and inserted a new classical exemplar, 'Laodice, Queen of the Cappadocians, is reported to have slain her Sons, as they came to Age, thus purchasing to herself a short Enjoyment of supreme Dominion, with the innocent Blood of her own Children'.¹⁰⁶ In terms of a lack of subtlety, this warning against Mary, Queen of Scots, ranks alongside Cecil's more famous observation that the biblical queen Athalia was killed in order that her grandson, Joash, could be king.¹⁰⁷

King Kenneth's alteration of the Scottish succession laws was thus a key component of the King's Party statement on regency. Although Kenneth II's name was supplied in both extant copies of the statement, it is likely that this was a scribal error. Indeed, confusion arose during the sixteenth century as to which King Kenneth was responsible for this legislative innovation. Moray's letter and Buchanan's *History* claimed that Kenneth III had altered the succession laws; in this Buchanan drew, as he did in much of his historical work, on the earlier historian Hector Boece.¹⁰⁸ Buchanan was wrong on this point; it was Kenneth II (r.971–995), rather than Kenneth III (r.997–1005), whose changes to the succession laws constituted a shift from a system resembling tanistry (the Gaelic system of electing a successor from a pool of related adult male candidates) towards primogeniture.¹⁰⁹ By introducing primogeniture, whereby the crown passed to the monarch's first

¹⁰⁵ Buchanan, *History of Scotland*, II, p. 374.

¹⁰⁶ Buchanan, *History of Scotland*, II, p. 376.

¹⁰⁷ Memoranda for Throckmorton, July 1567, TNA SP52/14 f. 2r; Guy, *My Heart Is My Own*, p. 363. Athaliah was a biblical queen of Israel who reportedly worshiped Baal and was executed following a rebellion. Her grandson, Joash, replaced her.

¹⁰⁸ For Boece's account, which emphasises the aspect of selecting a regent on the basis of merit and the age of fourteen as the termination of minority see: Hector Boece, *The History and Chronicles of Scotland* (2 vols, Edinburgh, 1871), II, pp. 223–6.

¹⁰⁹ Roger Mason, 'Civil Society and the Celts: Hector Boece, George Buchanan and the Ancient Scottish Past', in Edward Cowan and Richard Finlay (eds), *Scottish History: the Power of the Past* (Edinburgh, 2002), pp. 95–119, at p. 110. For a more detailed exploration of tanistry see K. Nicholls, *Gaelic and Gaelicised Ireland in the Middle Ages* (Dublin, 1972), pp. 25–30. For its role in Boece see: Mason, 'Civil Society and the Celts', p. 108.

born son regardless of his age, Kenneth's changes introduced minorities, and a concomitant need for regents, into the Scottish polity. The King's Party's interpretation of Kenneth's alteration of the succession laws in 1568 amounts to a defence of Kenneth and his innovative system of direct descent and elected regents ruling during minorities.

The King's Party's uncritical account of Kenneth II/III stands at a considerable distance from those of other chroniclers. It also contrasts with Buchanan's own description of Kenneth III (*sic*) in Book VI of his *History*. These differences are worth exploring since they reveal the difficulties facing the King's Party in obtaining evidence to support their theory of elective regency. Writing in 1536, the Franciscan friar Adam Abell dubbed Kenneth III's changes 'ane spot in his fame', claiming that the new law incurred divine displeasure upon Kenneth and his heirs.¹¹⁰ Abell asserted that Kenneth's taste for constitutional innovation was driven by ambition for his own family, which fault also provoked him to murder an alternative heir, Malcolm, prince of Northumberland. The King's Party's statement on regency in 1568 entirely neglected to mention Kenneth's role as an assassin; however, Buchanan's *History* returned the homicide to centre stage.¹¹¹ Published in 1582, the date of the *History*'s composition has been much debated, but Buchanan was probably beginning to write, or at least to gather materials, by the time he attended the York conference.¹¹² In the *History*, Kenneth's introduction of primogeniture was placed in the context of a process which began earlier in Scotland's history. Following the death of the legendary first king of Scots, Fergus I, an event dated to c.330 BC, Buchanan alleged that the nobility fell into dispute about the succession. This originated in a conflict of interests between their oaths of loyalty to Fergus' family, and fears of turbulence under a minority. Eventually the nobles decided they would elect a member of the royal family to rule, but that on his death, power would revert to the former king's sons.¹¹³

¹¹⁰ Adam Abell, 'The roit or quheill of tyme', NLS MS 1746, f. 70r. Italics indicate that the passage was underlined.

¹¹¹ As Mason indicates, the interpretation of kingship outlined in the *History* is subtly different again from the view propounded by Buchanan in *De Jure Regni*, which places more emphasis on the idea of a contract between the ruler and the ruled. See Roger A. Mason and Martin S. Smith (eds), *A Dialogue on the Law of Kingship among the Scots: A Critical Edition and Translation of George Buchanan's De Jure Regni* apud Scotos Dialogus (Aldershot, 2004), pp. 97–107, 193.

¹¹² The current consensus is illustrated in Roger Mason, 'Introduction' to Buchanan, *De Jure Regni*, p. xlv. To summarise, the bulk of the *History* was drafted between 1568 and 1572, but revised over the next decade, until the work was finally completed in 1581, just prior to its publication.

¹¹³ The role of the elected individual has been translated using the phrases 'weild the Sceptre' in the 1690 edition, and 'regent', in the 1722 edition and subsequent reprints. However, both of these are misleading. The Latin is 'rerum summae præficieretur', which most precisely translates as '[one] in charge of all things'. Buchanan may have been searching for a Latin phrase which evoked the sixteenth-century idea of a 'chief magistrate who

The introduction of primogeniture secured for Kenneth III the role of a chief villain in Buchanan's *History*, since Kenneth fundamentally undermined the elective nature of Scottish kingship as it had existed from the death of Fergus I onwards. Whilst Abell, for instance, primarily condemned Kenneth as a murderer, Buchanan interpreted Malcolm's murder as symptomatic of the personal ambition which also motivated Kenneth's desire to undermine the principles of elective kingship. Buchanan explained that Kenneth plotted Malcolm's murder by poison, which would have resonated with his readers as an especially abhorrent and underhand method of dispatch.¹¹⁴ This cowardly murder was compounded by Kenneth's subsequent dissimulation of grief. The reader is left in no doubt that although Malcolm's death was reprehensible, the political system was the real victim of Kenneth's crime.

By accurately recording the terms of the 1568 debate in book XIX of the *History* Buchanan substantially departed from his earlier discussion of Kenneth in book VI. This contradiction resulted from Buchanan's attempts to use the same example to prove two different, although related, points. In book VI, Buchanan sought to demonstrate that ambitious kings come to bad ends and to assert the elective origins of monarchy. By contrast, in 1568, and in his subsequent account of the conference in book XIX, Buchanan contended that regency was an elective office. To do so, he was required implicitly to endorse a broader package of constitutional changes, which included hereditary monarchy. Although both interpretations of Kenneth's actions supported Buchanan's position that Scottish kingship, and political authority more broadly, were originally elective, in shifting focus from monarchs to regents, Buchanan was required to provide conflicting interpretations of events. Whether or not Buchanan noticed his inconsistencies, his contradictory attitudes to Kenneth III underline the difficulties faced by the King's Party in finding sufficiently robust historical examples to support the theory of election as the basis for both regency and kingship.

Severing the theoretical connection between regency and succession had practical ramifications, since it rendered the conventional separation of caring for the monarch's person and administering the realm redundant. This became apparent in 1571 with Mar's election. Mar had no claim to the throne;

held power'; this could refer to a monarch, regent, or other type of ruler. In order to maintain that Scottish kingship was originally elective, it was imperative that Buchanan described those who obtained power through election as 'kings', which he subsequently and consistently did throughout the *History*, and was clearly his intention in this context. This included Fergus' brother Feritharis, who immediately succeeded and proved himself 'iustum Regem': a just king. Buchanan, *The History of Scotland* (1690), p. 97; Buchanan, *History of Scotland* (1733), I, p. 122; Buchanan, *Rerum Scotorum* p. 34. Unless otherwise specified, references are to the 1733 edition.

¹¹⁴ Buchanan, *History of Scotland*, I, p. 244; A. Somerset, *Unnatural Murder: Poison at the Court of James I* (London, 1997), pp. 259–60.

furthermore, he had been keeper of the future James VI since Mary's personal rule, so his trustworthiness had already been demonstrated amply.¹¹⁵ Indeed, on Mar's appointment the estates noted that they had observed 'the greit cair and affectioun borne to the preservatioun of his hienes innocent persoun be his rycht traist cousing Johnne, erll of Mar, lord Erskin, having the govern-ance and custody of the same, his hienes persoun, presentlie, and evir sen his birth'.¹¹⁶ The fact that regency no longer needed to be separated from responsibility for the monarch's person was confirmed during the summer of 1573, when Morton responded to a need to reduce crown expenditure by suggesting that he could 'bring the kings howse his own & the Castle of Edenbrough under one charge'.¹¹⁷ How seriously Morton had actually envisaged such a substantial change in the royal household arrangements is unclear, especially since on his appointment to the regency the estates had declared that James' household arrangements would remain unchanged. In view of the tradition that the Erskine family cared for infant royals, the estates concluded that 'thay have found and findis na place nor hous mair convenient for his majesteis residence nor the castell of Striveling, quhair his hienes maist nobill persoun presentlie remanis'.¹¹⁸ Morton may have raised the possibility of household amalgamation in 1573 in order to ensure that the less drastic changes which eventually came into effect were accepted. Later that summer, he informed the English diplomat Sir Henry Killigrew that he had 'bene bissy' revising arrangements for the king's establishment in Stirling, transferring primary responsibility for the household from the countess of Mar to Alexander Erskine, master of Mar, the late regent Mar's brother.¹¹⁹

What impact this alteration actually had on the household's day-to-day running is unclear, for the following year Killigrew reported that James' tutors George Buchanan and Peter Young were 'desirous to have him from the handling of women by whome he is yet guyded & kept, saving when he goeth to his booke'.¹²⁰ Although Killigrew praised Erskine and his wife for their diligent service, this comment may imply that the countess of Mar retained an important role in the household. In either case, the fact that Morton was able to suggest combining the regent's and monarch's households, in the wake of Mar's combination of the regency and duties of monarchical keepership, demonstrates the far-reaching implications of the notion that regency was elective. The extent to which the exceptional circumstances of James VI's minority forged a new understanding of regency is also highlighted by the

¹¹⁵ Copy of instruction and instrument of delivering of the prince to the earl of Mar, 19 March 1567, NRS GD124/10/18; The Scottish Estates to Elizabeth, 6 Sept 1571, NRS SP1/5 f.47.

¹¹⁶ RPS, A1571/9/19. Date accessed: 22 July 2013.

¹¹⁷ Henry Killigrew to Cecil, 20 June 1573, TNA SP52/25 f. 161.

¹¹⁸ RPS, A1572/11/19. Date accessed: 11 July 2013.

¹¹⁹ Morton to Killigrew, 5 Aug 1573, TNA SP52/25 f. 183; Alexander Hay to Henry Killigrew, 19 Aug 1573, TNA SP52/25 f. 197v.

¹²⁰ Killigrew to Walsingham, 30 June 1574, TNA SP52/26 f. 65.

changing behaviour of Matthew Stewart, earl of Lennox. In 1543–4 Lennox challenged Arran's right to the regency on the grounds that Lennox's claim to the throne was the more robust. Almost thirty years later, in 1570–1, when Lennox again sought the regency, these claims were not revived; instead, Lennox justified his own regency solely on the grounds of election.

Despite the radical change to conceptions of regency which Buchanan's elective interpretation of the office entailed, a blood connection between the regent and monarch retained rhetorical importance. Moray's position as James VI's uncle was often emphasised, whilst Buchanan explained that Lennox was 'the King's Grandfather: none being of greater Fidelity to the King, yet a Minor; and who undoubtedly had the Prerogative before all others'.¹²¹ Indeed, following Darnley's intestate death, Lennox, as the king's paternal grandfather, was James VI's tutor-at-law.¹²² Nevertheless, this emphasis on Lennox's blood-given 'prerogative' effectively contradicts Buchanan's usual position that election was open to any worthy candidate, with the proviso that they were aristocratic and male. It instead implies that familial relations remained an important factor in determining the regency throughout the century. Perhaps Buchanan was employing rhetoric which he felt would render his account of Lennox's legitimacy more acceptable, or perhaps, despite his best efforts, blood still proved thicker than water when it came to conferring political legitimacy. Certainly, dubious claims that Morton was 'sa neir of his majesties blude' remained a plank of King's Party rhetoric well into the 1570s.¹²³

Regency Councils

Thus far, this chapter has emphasised the changes which took place during the sixteenth century. Within the changing nature of provisions for regency, however, the appointment of individual regents, as opposed to a regency council, served as a strong point of continuity. Councils of regency were periodically suggested as an alternative form of rule throughout the sixteenth century. Although these ideas were ultimately rejected, they nevertheless represent another possible model for governance during a minority which contributed to the debates surrounding regency. If we accept that late medieval Scots wanted a strong monarch with whom they could co-operate in government, and that, generally speaking, the Scottish political nation was

¹²¹ He was styled James' 'dearest uncle' on requests for safe-conducts. See, for example: Safe-conduct for the laird of Haltoun, 16 Oct. 1567, TNA SP52/14 f. 225. See also the emphasis on Moray's royal blood after his assassination: Amy Blakeway, 'The Response to the Regent Moray's Assassination', *SHR* 88 (2009), pp. 9–33, at p. 20; Buchanan, *History*, II, p. 412.

¹²² Balfour, *Practicks*, I, p. 117.

¹²³ RPS, A1572/11/16. Date accessed: 11 July 2013. Morton's ancestor the second earl of Angus married a daughter of Robert III. In the context of Châtelherault's place in the royal succession Morton's assertion of blood proximity was frankly laughable.

deeply conservative, this preference for an individual rather than a council to hold authority during a minority is entirely consistent with their broader political viewpoint.¹²⁴ Determining the membership of a regency council could be based on the same principles as selecting an individual regent: the monarch could appoint a council, or its members could be selected by a group, usually the members of the estates. Alternatively, membership of the extended royal family conferred the position of a 'natural councillor' and could constitute a factor in determining membership of the council. This idea informed the French concept of a council of 'princes of the blood'.¹²⁵ Such councils, moreover, were seen as a point of continuity with majority rule, for, according to one anonymous sixteenth-century commentator on French regencies, French kings, whatever their age, 'n'ont pas acoustumé de gouverner leur Royaume sans bon Conseil'.¹²⁶

Whilst a minor monarch was represented by an individual regent, when adult Scottish monarchs (or, indeed, regents) were absent abroad, they appointed councils to administer the country during their absence. Albany's French visits entailed the appointment of 'vicereagents and lieutenants', from amongst whom a minimum quorum of three, always including the chancellor, was necessary to transact business.¹²⁷ In 1536, James V delegated his power to a group of 'vicegerents and lieutenants', again with three including the chancellor as a minimum quorum.¹²⁸ The two commissions are similar, although the one issued by James is slightly more restrictive. It is unclear whether Albany's provisions informed those instituted by his former charge two decades later. Neither commission described the people it named as a 'council', but since a minimum quorum was imposed in order to transact business it is likely that these groups effectively functioned as councils. More clearly, the privy council wielded executive power during James VI's visit to Denmark from November 1589 to April 1590.¹²⁹ Exceptionally, no provision was made for government during Moray's absence in England in 1568–9, and the privy council even ceased to sit – presumably Moray was close enough to, as James VI would later boast, govern by pen.¹³⁰ Whilst Marie de Guise's appointment

¹²⁴ On the desire for strong kings see: Jenny Wormald, 'Taming the Magnates?' in K. J. Stringer (ed.), *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), pp. 270–80; for political conservatism see: Roger Mason, *Kingship and the Commonwealth: Political Thought in Renaissance and Reformation Scotland* (East Linton, 1998), p. 3.

¹²⁵ Anon., *Legitime conseil des Roys de france pendant leur ieune aage: Contre ceux qui veulent maintenir l'ilégitime gouvernement de ceux de Guise, soubz le tiltre de la majorité du Roy, cy deuant publié* (c.1560, Toulouse), sig. A3v.

¹²⁶ Anon., *Legitime conseil des Roys de france pendant leur ieune aage*, sig. A3v. 'are not accustomed to govern their Kingdoms without good counsel'.

¹²⁷ RPS, A1517/5/1. Date accessed: 23 January 2014.

¹²⁸ Jamie Cameron, *James V: The Personal Rule, 1528–1542* (Edinburgh, 1998), p. 133; RMS III 1618. Business passed the seals during James V's absence, but frustratingly the *Acta Dominorum Concilii* is missing for the duration: ADC, p. 459.

¹²⁹ Julian Goodare, *The Government of Scotland: 1560–1625* (Oxford, 2004), p. 136.

¹³⁰ RPC, I, p. 643.

as a sole regent for an absentee monarch was thus unusual in a Scots context, from a wider European perspective it was less remarkable. Louise of Savoy acted as regent during François I's military campaigns and subsequent captivity.¹³¹ In Spain, during the absences of Charles V his wife, Isabella of Portugal 'served as 'lieutenant and governoress of the realm', and, as we saw in the introduction, Juana of Portugal also served as regent in Spain from 1554–9.¹³² The Hapsburgs also consistently appointed sole regents, including Mary of Austria, Margaret of Austria and the Duke of Alba to govern on behalf of absentee rulers in the Netherlands. In England, Katherine of Aragon was appointed sole 'regent and governoress' during Henry VIII's absence abroad in France, and John, duke of Bedford, was Henry VI's 'regent' in France during the period 1422–35, although the office was temporarily revoked during Henry VI's presence in France during the period 1430–2. Whilst an individual regent was appointed to rule Henry VI's French territories during his minority, in an effort to preserve royal power, England was largely ruled by councils.¹³³ The concern that an individual regent would compromise royal power provides a plausible explanation for the Stewarts' eschewal of this practice during their foreign trips.

Whilst James V's appointment of a council to rule during his absence abroad was uncontroversial, by contrast, his alleged provision of a council to rule during Mary's minority has inspired much debate, both amongst contemporaries and subsequent scholars. James did not leave an extant testament. It remains disputed whether or not he dictated his wishes for government during Mary's minority to Cardinal David Beaton, archbishop of St Andrews, on his deathbed, and, if so, what those wishes might have comprised and how they were recorded. In particular, debate has coalesced upon a notarial instrument alleged to record James' preference for a council comprising Cardinal Beaton, the king's illegitimate half-brother Moray, Argyll and Huntly to serve as 'gubernatoribus et protectoribus'.¹³⁴ The instrument may be a forgery, but even if it were genuine, it was not a testament and, further, was drawn up by someone unqualified to do so. As such it had no legal force. However, it is clear that shortly after James died a council comprising Arran, Argyll, Huntly, Moray and Beaton had emerged as *de facto* leaders and that, by the end of the month, Arran had assumed a dominant position

¹³¹ Louise of Savoy's commission, 12 Aug. 1523, TNA E30/886.

¹³² Ann J. Cruz, 'Juana of Austria: Patron of the Arts and Regent of Spain, 1554–9', in Ann J. Cruz and Mihoko Suzuki (eds), *The Rule of Women in Early Modern Europe* (Chicago, 2009), pp. 103–22 at p. 103.

¹³³ John Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996), p. 113.

¹³⁴ The instrument is printed in HMC 11, Appendix Part VI, I, p. 219. The most detailed account remains Andrew Lang, 'The Cardinal and the King's Will', *SHR* 3 (1906), pp. 410–22. The individual named Moray is not the regent of the 1570s but one of James IV's bastard children who died in 1544/5.

in their discussions with English diplomats and messengers.¹³⁵ A convention of the estates met on 1 January 1543 and on 3 January Arran was proclaimed sole governor.¹³⁶ It is unclear how either the council or Arran's appointment actually related to James' wishes, if the king had indeed been able to articulate these. It is therefore unclear whether the estates knowingly rejected the king's attempt to appoint multiple regents in favour of a sole governor: if they did so, this forms a striking parallel with the English privy council's willingness to reject the provisions of Henry VIII's will and appoint Somerset as sole protector from amongst their number.¹³⁷ However, it should also be noted that in the interim between James' death and Arran's elevation to the governorship, no grants were passed under the seals. When contextualised amongst other periods when no regent was appointed, this implies that the council was understood as a temporary body which lacked the ability to exercise monarchical powers and was serving as a placeholder until a broader cross-section of the political community could gather to make more permanent arrangements for governance.

Nevertheless, there is evidence that James V preferred the idea of a council to an individual during a royal minority as well as during monarchical absence. An earlier testament, made by James V on 12 June 1540 before his voyage to the Isles, provided for the government of the country during a possible minority of his son, Prince James. This appointed Matthew, earl of Lennox, William, earl of Montrose, and John, lord Erskine, 'tutouris testamentaris gydaris and governouris to our said dearest sone and of our Realme'.¹³⁸ The Latin version of the testament linked the titles of the offices to specific roles more precisely: the men were appointed 'tutores testamentarius sui filij primogeniti Jacobi principis' but 'regni scotie gubernatores', tutors of the prince, but governors of Scotland.¹³⁹ The unusual combination of the duties of monarchical care and administering the kingdom was probably connected to the fact that these were to be shared amongst several people. It is also worth noting that this use of the word 'governors' does not conform to the sporadically employed convention of reserving this title solely for the next in succession. The clarity in the Latin indicates that the term 'governor' was not being used in the private law sense as analogous to 'tutor', rather that it was connected to rule of the kingdom as distinct from

¹³⁵ George Douglas to Lisle, 17 Dec. 1542, BL Add 32648 f. 220; Lisle to Henry VIII, 24 Dec. 1542, BL Add 32648 f. 234v; Lisle to HVIII, 30 Dec. 1542, BL Add 32648 f. 238.

¹³⁶ Lisle to Council, 1 Jan. 1543, BL Add 32649 f. 2v; Lisle to Privy Council, 5 Jan. 1543, BL Add 32649 f. 19r.

¹³⁷ E. W. Ives, 'Henry VIII's Will: a Forensic Conundrum', *Historical Journal* 35 (1992), pp. 779–804; R. A. Houlbrooke, 'Henry VIII's Wills: a Comment', *Historical Journal* 37 (1994), pp. 891–99; E. W. Ives, 'Henry VIII's Will: the Protectorate Provisions of 1546–1547', *Historical Journal* 37 (1994), pp. 901–14.

¹³⁸ James V's testament, 12 June 1540, NRS GD124/10/13; Cameron, *James V*, p. 246.

¹³⁹ James V's testament, 12 June 1540, NRS GD124/10/13.

care for the monarch's person. This usage was reflected in Arran's appointment as 'tutorem predicte domine regine ac gubernatorem regni'.¹⁴⁰

Notably, none of those listed in the 1540 testament were involved in government following James' death. In selecting 'governors' in 1540 James was constrained by pragmatism, for none of his appointees accompanied him to the Isles.¹⁴¹ Presumably, James assumed that if his ship sank and he died, all those accompanying him, including Arran, Beaton and Huntly, would also drown. Lennox's inclusion is striking, for in 1540 Lennox was still in France: like Albany, he would have been recalled to act as regent. In the event of his death, James probably hoped that Lennox's presence in Scotland would ensure the continuation of French support which had been so important during his minority and personal rule. Lennox's inclusion could be interpreted to imply that the king favoured his claim to the succession, and thus his right to be governor, over that of the excluded Arran; this was an idea which the seventeenth-century ecclesiastical historian, David Calderwood, claimed that James had entertained.¹⁴² On balance, however, it is unlikely that the testament reveals a preference for Lennox's dynastic claim, for he was appointed amongst equals, in circumstances which presupposed the prior death of Arran as well as James. Examining the 1540 testament suggests that the 1542 notarial instrument reflected James V's apparent preference for regency councils, without necessarily naming his first-choice personnel. Regardless of how accurately the notarial instrument detailed James' wishes, however, it is clear that in 1543 the Scots firmly rejected the option of a regency council.

Two further instances of failed propositions for Scottish regency councils date from the minority of James VI. The first was that outlined in the abdication documents signed by Mary, whereby if Moray were to reject the regency or 'in caise of his deceise', the other named nobles were appointed 'regentis of our said deir sone, realme and liegis, gevand, grantand and comittand to thame, or ony fyve of thame conjunctlie, full power for oure said sone'.¹⁴³ The council's proposed membership, and the minimum quorum of five, was seemingly designed to proclaim the new regime's credentials as legitimate by appearing balanced and representative of the nobility as a whole.¹⁴⁴ Although those who held the regency following Moray's death were given membership, the fact they ruled as individuals rather than as a council with a minimum quorum of five departed from the provisions of the instruments of abdication. In view of this egression from their provisions, it is somewhat

¹⁴⁰ RPS, 1543/3/1. Date accessed: 30 September 2013; HMC 11 appendix 6 vol. I p. 220.

¹⁴¹ Cameron, *James V*, p. 246; Margaret Sanderson, *Cardinal of Scotland David Beaton 1494–1546* (Edinburgh, 2001), p. 148.

¹⁴² David Calderwood, *The History of the Kirk in Scotland*, Thomas Thomson and David Laing (eds) (8 vols, Edinburgh, 1842–9), I, p. 72.

¹⁴³ RPS, 1567/7/29/2. Date accessed: 7 February 2013; Balfour, *Practicks*, I, p. 5. This is also made clear in Throckmorton's report of events: Throckmorton to Elizabeth, 18 July 1567, TNA SP52/14 f. 49.

¹⁴⁴ Webb has advanced a similar argument: Webb, 'The "Gude Regent"?', p. 27.

surprising that the abdication documents continued to be cited as a source of King's party power as late as 1573, uneasily coexisting with Buchanan's theory of elective regency.

The tension between citing the instrument of abdication as a theoretical source of power, whilst in practice deviating from its provisions, emerged during the convention held in March 1570. Mary's supporter John, fifth Lord Herries, claimed that there had been substantial divergence within the King's party regarding the role of the abdication documents following Moray's death.¹⁴⁵ One group argued that Moray's death meant the initial commission was now 'voyd', whilst some took a more radical view 'that the Queen's Resignation or Commission was not to be lookt unto at all, but as a thing unnecessary; that those whoe were the authors of the King's Coronation should now stand to it, and proceed to an election'.¹⁴⁶ However, Herries observed that the prevailing conviction was that the commission provided a basis from which a new election could be held. The convention's own records contain a hint which supports Herries' claim that the King's Party disagreed amongst itself, since a conclusion emerged only 'after lang ressoning and mature deliberatioune'.¹⁴⁷ Having considered the instruments of abdication, those present eventually decided 'that the hail number of the nobilmen abouementionat nominat thairin, or ony foure, thrie, twa or ane of thame professand and acknowlegeing the kingis auctoritie (the remanent refuseand or haveand just caus of excuse), may accept upoune thame the said commissioun and office of regentrie to our soverane lord'.¹⁴⁸ After Lennox's assassination, by contrast, there was no such 'deliberatioune'. The estates hastily 'all in ane voce aggreit that ane is mair convenient to governe and rewl in the kingis majesteis minoritie, nor ma'.¹⁴⁹ Mar was noted to have been nominated in Mary's commission and, further, was 'fund be publict voce, consent and aggrement maist apt and qualifiit for the same'.¹⁵⁰ Multiple, even mutually contradictory, sources of power for regency were thus combined in order to produce a more robust case for a given regent's legitimacy, and in so doing the abdication documents were abandoned. Similarly, when Cecil later hypothesised that the Castilians should accept Mar's rule because Mar had been one of those named in the letters of abdication, he did so in the context of an attempt to justify why the Castilians should submit to Mar's authority, rather than accurately recalling the letters of abdication.¹⁵¹ The same claim that the abdication documents provided a shortlist from which

¹⁴⁵ Herries, *Memoirs*, p. 123.

¹⁴⁶ Herries, *Memoirs*, p. 123.

¹⁴⁷ RPS, A1570/3/2. Date accessed: 23 July 2013.

¹⁴⁸ RPS, A1570/3/2. Date accessed: 7 February 2013.

¹⁴⁹ RPS, A1571/9/2. Date accessed: 22 July 2013.

¹⁵⁰ RPS, A1571/9/19. Date accessed: 22 July 2013.

¹⁵¹ 'An addition to ye articles of pacification for Scotland', 31 Jan. 1571, TNA SP52/22 f. 41v.

to hold an election was revived at Morton's appointment to the regency in November 1572.¹⁵²

In this context, the 1573 Act 'Anent the establisching of the regiment in case at Goddis plesure that charge yit vaik during the kingis majesteis minoritie' requires consideration.¹⁵³ Since Morton had been elected in a convention, the first act of his first parliament was to confirm his appointment.¹⁵⁴ Thereafter, parliament turned to consider the future. The 'Act Anent the establisching of the regiment' opened by declaring that several worthy regents had served James VI, 'of the nowmer of thame quhilkis ar nominat and contentit in the commissioun of the quene, his hienes moder', from which they were 'electit, allowit and approvit be the estatis of parliament'. However, now that 'few' were living from amongst those named in the commission, it was concluded that the estates could lawfully elect as regent, 'ony ane persoun of the nobilitie professing the trew religioun, and that hes gevin prufe of his gude affectioun thairto and to the estait of our soverane lord, libertie, quyetnes and commoune weill of this realme'. These qualities were deemed in and of themselves sufficient for office, even if the elected individual 'sall nocht happin to be of the nowmer specifyit and contentit in the said commissioun'. The act was therefore not an attempt to produce a definitive statute to serve in all future minorities. Rather, this was a response to a challenging set of political circumstances which had given rise to fears of a period without a regent in the case of Morton's decease. Such anxieties were doubtless sharpened by the fact that Morton had been gravely ill in the middle of December.¹⁵⁵ The Act raises two further points of interest. First, the proviso that individuals with 'just cause or excuse' could decline the regency clearly did not reflect the reality of the selection process. As we shall see in the following chapter, in reality, candidates were required to swear an oath promising to accept the regency if they were elected, and Mar was forced to accept office even though he was unwilling. Secondly, and more fundamentally, given that as early as 1568 the King's Party had developed a new theoretical justification for regency, the fact that a bowdlerised version of the abdication documents was cited as late as January 1573 illustrates the extent to which time-honoured methods of conferring political legitimacy retained their draw. When the estates were gathered as a whole, Buchanan's radicalism was tempered by tradition.

In June 1574 the paucity of options in the event of Morton's death was made brutally clear. The experienced English diplomat Henry Killigrew explained that should Morton die, 'I knowe not now who should be Regent ... nor cannot learne of any man that can yet make a lykely gess'.¹⁵⁶ Nonetheless,

¹⁵² RPS, A1572/11/16. Date accessed: 11 July 2013.

¹⁵³ RPS, A1573/1/7. Date accessed: 14 June 2013.

¹⁵⁴ RPS, A1573/1/2. Date accessed: 28 July 2013.

¹⁵⁵ Killigrew to Burghley, 17 Dec. 1572, TNA SP52/23 f. 265.

¹⁵⁶ [Killigrew?] 'Observations and Occurrents out of Scotland', 23 June 1574, TNA SP52/26 f. 47v.

Killigrew outlined various options, each of which had its advantages and related drawbacks. Atholl's candidacy was considered to be strong on the grounds of his Stewart blood, but he was unacceptable to Protestants. Whilst Glencairn was impeccably Protestant, his suitability was diminished by his age, weakness, and poverty. Morton's nephew, Angus, would have been powerful and wealthy, having inherited his uncle's earldom as well as his own, but, aged nineteen or twenty, he was considered too young. Stewart monarchs often began their personal rules before the age of eighteen, yet a higher bar of age and experience was evidently set for the ideal regent. Lennox's brother, the king's great-uncle (and closest living male relative), Robert Stewart, bishop of Caithness, was another possibility, but hampered by 'small credit', denoting a general lack of influence and resources. A council of four, possibly including Glamis and Ruthven, was deemed 'unlykely'. Killigrew concluded that were Morton to die, the Hamiltons, Argyll or Huntly would probably contend the election. Three points emerge from this. First, from Killigrew's perspective, Mary's abdication documents were *de facto* defunct: although Athol and Glencairn had been nominated to the regency council proposed in 1567, Angus, Caithness, Glamis and Ruthven had not. The suggestion of a 'council of four' represented a further departure from the 1567 provisions which had cited eight names, with a minimum quorum of five.¹⁵⁷ Second, the discussion of both Atholl and Caithness indicates that a blood relationship with the monarch continued to exert a modicum of influence in discussions surrounding the regency. Third, that a regent's personal qualities would ideally include Protestantism, political experience, and a substantial degree of social and financial capital. We shall return to the subject of resources in chapter three. For now, it is worth noting that election facilitated the appointment of more venerable candidates: James VI's final three regents took office in their mid to late fifties, some two or three decades older than their predecessors.¹⁵⁸

The same process of combining understandings of regency to serve immediate political expediency can be seen during negotiations between the Castilians and the King's Party in December 1571 and January 1572. At this critical juncture in the Marian Civil War, understandings of regency, including the notion of a regency council, were manipulated in an attempt to secure a mutually acceptable solution. The Castilians were persuaded to accept that, whatever the legality of the circumstances surrounding Mary's absence, the fact remained that she was abroad and provision needed to be made for government. They further accepted that, in such a case, it was reasonable that Mary's son 'quha is by birth the nixt heir to the crown' should

¹⁵⁷ Balfour, *Practiks*, I, p. 5.

¹⁵⁸ Margaret was 24 (b.1489); Albany was 33 (b.1482); Arran was 23–4 (b.c.1519); Guise was 39 (b.1515); Moray was 36 (b.1531/2); Lennox was 54 (b.1516); Mar's date of birth is unknown but given that his sister had a liaison with James V he was probably in his late fifties; Morton was about 56 (b.c.1516).

rule and that, since James was a child, someone else would have to rule on his behalf.¹⁵⁹ This provided sufficient common ground to discuss the possibility of appointing a regent, although the opinions of the King's and Queen's Parties thereafter diverged so sharply that compromise proved impossible. The King's Party suggested that Mar, who had been elected, should continue as regent. Maitland of Lethington and Kirkcaldy found this suggestion unacceptable, asserting that Mar had been 'set up by a factioun without any ground, tytill, or Interest, whearunto the noble man him self that is placed in it can mak no clame, neyther by blood, nor by commissione from the Queen, so that it is without a precedent or example, and, as we persuade ourselffs he is not desyrous to continew in it'.¹⁶⁰ Election, in short, was not an acceptable method of selecting regents. Rather, Maitland and Kirkcaldy contended, the most appropriate solution would be to create a regency council. Anxious that this might be considered too radical, they sought to quell concerns, explaining that it was 'not intendit a fantastical deuyse to overthrow this monarchie or to erect a monstrous and a new utopie of membris without a head'.¹⁶¹ A number of historical precedents were cited in support of this argument, although the 1567 abdication documents were wisely omitted from the list. As former confidants of Moray both Maitland and Kirkcaldy would have been well aware of the provisions in Mary's letters of abdication, they doubtless neglected to mention the letters as to cite them would have endorsed Mary's deposition and drawn attention to their own change of heart.

For Maitland and Kirkcaldy, the 'newtrall and indifferent kynd of Regement' of a council offered an attractive compromise whereby prominent members of both parties could be afforded a voice in government. By contrast, insisting on one particular individual 'must bread inconueinents and Nureis discord'.¹⁶² Although their preference for a council was deemed radical, in claiming that Mary's heir ought to rule in her absence, the Castilians had departed from a very traditional standpoint. Their suggestion was possibly informed by the appointment of Robert and Murdoc, dukes of Albany, and heirs presumptive, to act as lieutenants during James I's captivity in England, an analogous situation to Mary's circumstances. Indeed, medieval French conventions dictated that during an involuntary monarchical absence the monarch's heir should be appointed regent.¹⁶³ This may explain why a version of this argument was employed by the French in an attempt to encourage the

¹⁵⁹ 'The answer of ye Castillians to ye Queen Majesty's Commissioners', 4 Mar. 1572, TNA SP52/22 f. 71v.

¹⁶⁰ 'The answer of ye Castillians to ye Queen Majesty's Commissioners', 4 Mar. 1572, TNA SP52/22 f. 71v.

¹⁶¹ 'The answer of ye Castillians to ye Queen Majesty's Commissioners', 4 Mar. 1572, TNA SP52/22 f. 72.

¹⁶² 'The answer of ye Castillians to ye Queen Majesty's Commissioners', 4 Mar. 1572, TNA SP52/22 f. 72.

¹⁶³ F. Olivier Martin, *Etudes sur les régence i. Les régence et la majorité des rois sous les Capétiens directs et les premiers Valois (1060–1375)* (Paris, 1931), p. 172. This, of course,

Castilians to negotiate.¹⁶⁴ Although suggestions made in this memorandum were never implemented, the Castilians had used the space for debate provided by the lack of a statute on regency ingeniously to elide the question of whether or not James was the legitimate monarch. The anxiety betrayed by the Castilians surrounding their suggestion of a council, however, concomitantly reveals why such importance was attached to the appointment of a single regent: by bearing the person of the monarch, regents provided the body politic with a head. Such rectitude was justified, since the King's Party response to the proposal comprised a sneering dismissal of 'their new devised Aristocratia or rather HOLigarchia ... yt will bread as great confusion and myscheif as ever was in ony common wealthe'.¹⁶⁵ This sentiment reflects the broader, and amply demonstrated, preference of the King's Party to elect an individual regent and so 'eschew the confusioun of mony governouris'.¹⁶⁶

Conclusions

This debate is a helpful place to conclude this chapter since it encompasses the major facets of the wider discussion of regency in microcosm. Conceptions of regency based on heredity or commission co-existed throughout the century; following 1568, a new understanding of regency emerged which challenged, but never entirely superseded, these older concepts. Whilst the Scots largely rejected the notion that a council could exercise monarchical authority, councils, conventions and parliaments loomed large in the process of identifying and confirming regents. The fact that there was no statute setting out the law on regency provided a space in which this range of inter-relating concepts could be redeployed to suit differing political circumstances. Such flexibility enhanced the possibilities open to regents to legitimise their rule, since they could draw on and combine a range of justifications for their power depending on political circumstances. Conversely, however, this flexibility could be exploited to mount a serious challenge to an incumbent regent's legitimacy. In this context, it was essential for regents to secure the public acquiescence of the wider political community. This could be achieved through obtaining their participation in both the public display and the practical exercise of the regent's power. These subjects will be examined in the following chapters.

contrasted with the continued regency of Louise of Savoy following the capture of François I at the Battle of Pavia.

¹⁶⁴ Instructions for du Croc, c.17 Mar. 1572, TNA SP52/22 f.107.

¹⁶⁵ Randolph and Drury to Burghley, 7 Mar. 1572, TNA SP52/22 f. 87r.

¹⁶⁶ RPS, A1572/11/16. Date accessed: 11 July 2013.

Concepts of Regency in Practice

The change in conceptions of regency outlined in chapter one, from an inherited right and duty to an office bestowed by election, had implications for the practicalities of rule. A small but significant example of the way in which changing understandings of regency affected practice can be seen in the sederunt lists of privy council meetings, which recorded the individuals in attendance in order of precedence. During majority rule, the name of the monarch attending the council was written above the word 'sederunt', indicating the monarch's superior, and separate, status. During the minorities of James V and Mary, Queen of Scots, the regent's name was inscribed in the same position.¹ From Moray's regency onwards, the regent's name appeared below the word 'sederunt', integrated as the first amongst equals in the list of councillors, reflecting new understandings of regency as an elective office.² Practice during the minority in due course influenced that of James VI's personal rule, when the king's name appeared below the title 'sederunt', although elevated to the line above the councillors.³

Whilst the changing format of sederunt lists provides a microcosmic example of the way in which theory informed practice, comparable changes can be seen throughout the political system. In particular, as the format of sederunt lists shows, the relationship between the regent and the council discernibly altered. The development of notions of elective regency also affected the inauguration ceremonies held to install regents in their office. We shall first consider the changes to inauguration ceremonies, before moving on to consider the regent-council relationship. The third major section of this chapter examines how regents lost office, and the related issue of the age of monarchical majority. The chapter concludes by considering the practice of royal acts of revocation, whereby the crown exercised its right to reverse property transactions completed before the monarch's twenty-fifth birthday and deemed

¹ See for example: Margaret: *Acta Dominorum Concilii*, 1513–14, NRS CS5/26; Albany: *Acta Dominorum Concilii*, 1515–16, NRS CS5/27 f.15; Arran: *Privy Council Register*, 1545–8, NRS PC1/1 f. 27v. The loss of Guise's council register renders practice during her rule unclear.

² For instance: Moray: *Privy Council Register*, 1567–70, NRS PC1/5 ff. 24v, 26v, 28v, 31. Mar: *Privy Council Register*, 1571–2, NRS PC1/6 ff. 19, 52; Morton: *Privy Council Register*, 1572–5, NRS PC1/7 ff. 28, 155, 199, 285, 394.

³ *Privy Council Register*, 1577–9, NRS PC1/9 ff. 1, 5, 17, 137, 179, 192, 195, 269, 318.

damaging to the royal patrimony. Whilst broad chronological shifts related to the development of theories of elective regency can be identified, varied and inconsistent practices also coexisted at any given moment. This variety of practice underscores the point that a range of ideas about regency coexisted at any given time. It therefore serves as a helpful reminder that, whilst it might be tempting to tell a teleological tale of the rise of elective regents, in fact changes to ideas about regency were driven by political contingencies.

Inaugurations and Elections

It has long been recognised that monarchical coronations throughout early modern Europe served several important functions, although these varied amongst countries. It is worth pausing over this since coronations provide an important point of comparison for regents' inaugurations. In France and England, the theory of the king's two bodies, which stated that monarchs entered into their full powers at the moment of their predecessor's decease, entailed that the coronation's significance was primarily symbolic: crowning did not 'make' a monarch.⁴ Some debate surrounds how far this influenced medieval Scots' understandings of coronations, and there is evidence that a transformative understanding of the coronation ceremony, whereby the heir became the monarch only when he or she was crowned, was prevalent into the fifteenth century.⁵ However, by the end of the sixteenth century, James VI had clearly absorbed and articulated the notion that kings possessed bodies both natural and politic.⁶ Tellingly, between James V's death in

⁴ Ernst Kantorowicz, *The King's Two Bodies: a Study in Medieval Political Theology* (Princeton, 1957), p. 378.

⁵ For the ceremony as transformative: Steve Boardman, 'Coronations, Kings and Guardians: Politics, Parliaments and General Councils, 1371–1406' in Keith Brown and Roland J. Tanner (eds), *Parliament and Politics in Scotland, 1235–1560* (Edinburgh, 2004), pp. 102–23, at pp. 105–6. Michael Penman, *David II, 1329–71* (East Linton, 2004), p. 36. For subscription to the idea of 'two bodies': Archibald Alexander McBeth Duncan, 'The Regnal Year of David II', *SHR* 68 (1989), pp. 105–19; Michael Brown, *James I* (Edinburgh, 1994), p. 18; Jenny Wormald, *Lords and Men: Bonds of Manrent 1442–1603* (Edinburgh, 1985), p. 38. Both David II and James I were described as 'king' prior to their coronations. For David II: RPS, A1330/1. Date accessed: 17 May 2014; For James I: RPS, 1423/8/1. Date accessed: 17 May 2014.

⁶ J. G. A. Pocock, 'Two Kingdoms and Three Histories? Political Thought in British Contexts', in Roger Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994), pp. 293–312, at 296. Pocock does not provide a specific reference, but his observation may have been founded on James' uncompromising assertion in the *Trew Lawe of Free Monarchies* (first published 1598) that 'at the very moment of the expiring of the king reigning, the nearest and lawful heire entreth into his place'; James VI, *The Trew Law of Free Monarchies* (Edinburgh, 1598), sig. E3. A further potential parallel in a Scottish context can be found in Sinclair's *Practicks*. Sinclair (who, like many of his legal contemporaries, trained in France) implies that regardless of the age of the monarch in Scotland, officials acting for the crown were legally akin to tutors acting on behalf

December 1542 and her coronation in September 1543, Mary was described as the Queen in all official government documents, whilst Arran was entitled Tutor or Governor to the Queen.⁷ It seems plausible that this period was a point when no single understanding of the function of a coronation reigned supreme. If one had questioned sixteenth-century Scots on the subject of when an heir became a monarch one would probably have received a variety of answers reflecting a range of experiences and varying degrees of exposure to continental ideas. This ambiguity is not helped by the fact that little specific information survives surrounding the coronations of James V and Mary, Queen of Scots, or, indeed, the inaugurations of their regents. Whilst it is clear that the inaugurations of Albany, Arran and Guise all took place in a meeting of the estates, no detailed and reliable accounts of their proceedings are extant.

Whilst details of pre-Reformation inaugurations are sparse, it is possible to piece together some of the proceedings. In both Albany's and Arran's cases, it appears that the honours were carried before the governor, who was wearing ducal robes. Donning appropriate attire for one's rank when attending parliament was a matter of considerable importance in late medieval and early modern Scotland.⁸ The council's advice to Albany in 1515, quoted in the previous chapter, did not describe the 'mantle of a duke', and the extant statutes on sumptuary law in Scotland do not discuss ducal sartorial requirements. In 1455, legislation determined the dress code for all ranks up to earls, who were enjoined to sport 'grained' brown mantles, left open at the front and lined with white fur.⁹ Since Arran would already have possessed the required clothing for an earl, it appears likely that the new items purchased for him to wear in his first parliament as governor in 1543 comprised the ducal regalia also assigned to regents. Arran's new outfit consisted of a 'kaip of stait' and a new robe, made with French brown cloth and lined with white Genoa taffeta, tied with a belt made from purple Genoa taffeta.¹⁰ The purple belt, fashioned from expensive imported cloth, and the choice of taffeta for lining, rather than cheaper fur, marked its wearer out from the earls.

of a minor. Gero Dolezalek, 'The Court of Session as a *Ius Commune* Court – witnessed by "Sinclair's Practicks", 1540–9', in *Stair Society Miscellany* IV, ed. Hector MacQueen, (Edinburgh, 2002), pp. 51–84, at p. 76. Pending Dr Atholl Murray's forthcoming definitive edition of Sinclair's *Practicks* see: <http://www.uni-leipzig.de/~jurarom/scotland/dat/sinclair.htm>.

⁷ RPS, 1543/3/1. Date accessed: 20 January 2014; RPS, 1543/3/10. Date accessed: 20 January 2014; RMS, III, 2854; RSS, III, 3.

⁸ For an overview of contemporary sumptuary laws see: Alan Hunt, *Governance of the Consuming Passions: a History of Sumptuary Law* (Basingstoke, 1996), pp. 29–36; Frances Shaw, 'Sumptuary Law in Scotland', *Juridical Review* 24 (1979), pp. 81–115.

⁹ RPS 1455/8/12, accessed 18 Sept. 2009.

¹⁰ Fragment of treasurer's account, Dec. 1542–June 1543, NRS E21/40 f. 16. A Cap of State was worn by English monarchs at their coronations: Alice Hunt, *Drama of Coronation: Medieval Ceremony in Early Modern England* (Cambridge, 2009), p. 23.

The clothing conventions for regents' inaugurations, and presumably their subsequent parliaments, were reflected in their broader use of the ducal style, including, for instance, being addressed as 'Your Grace'. This was particularly significant since dukedoms were rarely awarded in sixteenth-century Scotland, and were usually only obtained by members of the immediate royal family.¹¹ Châtelherault's duchy was a position in the French, rather than Scottish, nobility, thus prior to Esmé Stewart's elevation to duke of Lennox in 1581, the honorific style of 'duke' implied membership of the immediate royal family. By affording regents ducal style, the connections between regency and membership of the royal house were underscored. Similar conventions prevailed in England: Protector Somerset sought to assert a 'semi-royal precedence' by choosing a dukedom associated with the English royal house.¹² In addition to standard use of the ducal style, regents who were members of the royal family, such as Albany, were afforded the title of 'prince' – 'noble and michtie prince' was Albany's usual epithet.¹³ Châtelherault and Moray sometimes enjoyed the even more impressive title of 'magnificent prince', a sobriquet which they were not afforded prior to their regencies.¹⁴ Châtelherault apparently retained the princely style, at least on a sporadic basis, after his regency, since his testament described him as a 'nobill & michtie prince'.¹⁵ By contrast Lennox, Mar and Morton were not styled 'Prince' in official documents, including the parliamentary record. Since, like Moray, Lennox had royal blood, and, indeed, unlike Moray, had a claim to the throne, it seems likely this changing usage reflects the gradual shift towards regency as an elective office evident from c.1568 onwards. Nevertheless, the diarist James Melville's claim that Morton was as 'noble and ritche prince as ever governed in Scotland' reveals that, beyond strictly official terminology, even regents who based their claim to power on election and lacked royal blood could be described as 'Princes'.¹⁶ During their regencies Margaret Tudor and Marie de Guise simply continued to enjoy their status and style as queen dowager, superior even to that of the regent. In Guise's case, this is demonstrated in the fact that when she attended the council during Arran's regency her name preceded all others on the sederunt list, and she took the highest place of precedence at the head of the council board.¹⁷

¹¹ J. H. Stevenson, 'The Prince of Scotland', *SHR* 22 (1925), pp. 81–94, at pp. 86–7.

¹² E. W. Ives, 'Henry VIII's Will: the Protectorate Provisions of 1546–7', *Historical Journal* 37 (1994), pp. 901–14, at p. 905.

¹³ RPS A1517/10/1, accessed 31 July 2009.

¹⁴ For Arran see: RPS 1543/3/1, RPS 1543/12/3; RPS 1544/11/26; RPS 1545/9/28/10; RPS 1546/7/12; RPS 1548/7/1; RPS A1554/4/2. Moray: RPS 1568/7/1; RPS 1569/11/3. All accessed 17 May 2014.

¹⁵ Register of Testaments, 1575–7, NRS CC8/8/4 f. 381.

¹⁶ G. R. Kinloch (ed.), *The Diary of Mr James Melville, 1556–1614* (Edinburgh, 1829), p. 83.

¹⁷ Privy Council Register, 1545–8, NRS PC1/1 f.3r; Privy Council Register, 1550–4, NRS PC1/2 ff.1–5; Sadler to Henry VIII, 20 Sept. 1543, BL Add. MS. 32,652 f. 114.

Despite the fact that regents' inaugurations were carefully designed to confirm an elevation in status, it must be recognised that they stood at a considerable distance from monarchical coronations. Clothing conventions kept regents firmly below monarchical rank, the event took place in the secular context of a parliament, not the religious environment of a church, and, crucially, regents were neither crowned nor anointed. In this context, erroneous contentions that both Albany and Guise were 'crowned' on their entry to the regency require some examination. In Albany's case, this misapprehension appears to originate with the eighteenth-century historian John Pinkerton, who asserted that Albany was given a crown by the estates.¹⁸ As noted in chapter one, however, Albany had been advised by the council to wear a ducal coronet, and the description of Albany's inauguration provided by the English border warden, Dacres, confirms that this advice was followed. Dacres, who was not usually averse to accusing Albany of usurping the royal prerogative when the opportunity arose, reported that 'the swerde was delivered to the duke of Albany and borne [before] hym be therle of Arran daily to the parliament and fro and the Erles of Ang[us] and Argyle sett a Cownet upon the dukes hede'.¹⁹ The presence of the honours reflected normal parliamentary practice.²⁰ The council had also ordered that the sceptre would be carried before Albany so it is likely this was also present.²¹ This deliverance of the ducal coronet by secular lords in a meeting of the estates symbolised a rejection of the earlier forfeiture of Albany's father, and concomitantly acceptance of Albany's rights to his duchy of Albany, his place in the succession and thus the governorship, rather than constituting a pseudo-coronation. Angus's involvement is particularly striking – as Margaret's husband, he was a natural figurehead for disaffection, yet, in offering Albany the ducal coronet, he symbolically accepted Albany's rights to his position.

For a monarch, coronation performed by an ecclesiastic symbolised the divine nature of royal power and, prior to the Reformation, could be interpreted as acceptance of papal authority.²² Whilst the offer of the coronet by Angus and Argyle could be interpreted as indicative that Albany's power was considered to originate in the political community, when considered in conjunction with reports that Albany was addressed as 'governor' and offered homage on his arrival in Scotland before he had even disembarked from his ship, it is more likely that their behaviour was designed to signify acceptance

¹⁸ John Pinkerton, *History of Scotland from the accession of the house of Stuart to that of Mary* (2 vols, London, 1797), II, p. 133.

¹⁹ Dacre to Council, 1 Aug. 1515, BL MS Cotton Calig. B II f. 358.

²⁰ Alastair J. Mann, 'House Rules: Parliamentary Procedure', in Keith Brown and Alan R. MacDonald (eds.), *The History of the Scottish Parliament vol III: Parliament in Context, 1235–1707* (Edinburgh, 2010), p. 133.

²¹ Minutes of Council, 11 June 1515, *Acta Dominorum Concilii, 1515–16*, NRS CS5/27 f.41.

²² Hunt, *Drama of Coronation*, p. 85.

of his rule.²³ If the report of shipboard homage is correct, this ceremony parallels the later actions of English magnates who indicated their acceptance of Edward VI as monarch by offering him the oath of allegiance prior to his coronation.²⁴ Such acts of homage certainly represent a scramble for political favour; more speculatively, homage before an inauguration possibly indicates a belief that Albany's place in the succession entailed that he was governor, regardless of whether or not he had actually been inaugurated as such. Pre-emptive homage was not the only unusual feature of Albany's elevation to the governorship. From 18 May, when Albany arrived in Scotland, the Scots apparently behaved as though he were already governor: if had not been a full governor, the meeting of estates in July 1515 would have been a convention, not a parliament. Evidently, Albany's exertion of *de facto* power was widely accepted, even before the ceremony which symbolically showed his entry into office.

In Guise's case, the consensus amongst scholars that she received a pseudo-coronation as regent is similarly erroneous.²⁵ The most influential sixteenth-century indication that she was 'crowned' comes from Knox's *History of the Reformation*, which asserts that after Châtelherault's demission of the regency, Guise had 'a crown put upon her head, as seemly a sight (if men had eyes) as to put a saddle upon the back of an unruly cow'.²⁶ As Knox was in exile in Frankfurt in 1554 and accounted Guise an enemy to the reformation, his idiosyncratic bovine interpretation of this event is suspect, to say the least. If Knox was aware that the conventions surrounding regents' inaugurations did not usually encompass a coronation, he may have deliberately have included this detail to shock his readers. Knox's version of events receives support from Pitscottie, who provided a more detailed account of the whole day, claiming that Guise had 'the croun set wpoun hir heid and suord deliuerit unto hir', and thereafter enjoyed a banquet.²⁷ In view of a lack of corroborating evidence, it is possible that Knox and Pitscottie both based their account on a source written or collected by one William Bruce of Earlshall on which both had relied but which is no longer extant.²⁸ However, given that Guise had been crowned in February 1540, when pregnant with her short-lived son, Prince James, claims she was 'crowned' again in 1554

²³ De Plains to Wolsey, Oct. 1515, BL MS Cotton Calig. E I f.74r.

²⁴ Hunt, *Drama of Coronation*, pp. 90–1.

²⁵ Rosalind Marshall, *Mary of Guise* (Glasgow, 1977), p. 198; Pamela Ritchie, *Mary of Guise in Scotland c. 1548–1560: a Political Career* (East Linton, 2002), p. 94.

²⁶ John Knox, *History of the Reformation in Scotland*, ed. W. C. Dickinson (2 vols, London, 1949), I, p. 116.

²⁷ Robert Lindsay of Pitscottie, *The Historie and Cronicles of Scotland from the Slaughtour of King James the First to the ane thousande fyve hundreith thrie scoir fyftein zeir*, ed. Æ. J. G. Mackay (3 vols, Edinburgh, 1899–1911), II, pp. 114–15.

²⁸ Knox, *History of the Reformation*, I, p.153 n.1.

seem particularly suspect.²⁹ In any event, if Guise was wearing a crown at the ceremony, it was likely to have been her own and, as a crowned queen consort, she enjoyed every right to wear it whenever she saw fit. Her own inauguration as regent would doubtless have been an eminently appropriate occasion. Whilst the monarch's crown was almost certainly present during Guise's inauguration, since this took place in parliament (albeit one which had to be immediately re-fenced following Châtelherault's demission of the regency) its presence, like that of the rest of the honours, was entirely in keeping with established parliamentary traditions.

A more reliable contemporary source regarding Guise's inauguration is a letter from D'Oysel to Noailles, the French ambassador in London, which survives in transcription in a letterbook compiled at an unknown date. After reminding his correspondent of the delicate negotiations required to ensure transfer of the regency to Guise, which had been entrusted to him by the French king, D'Oysel reported that the result 'ayant esté ladicte Dame investie de la Regence Jeudy dernier 12e de ce mois et mise en l'administration & entiere autorité de ce Royaume, au grand contentement de tout ce peuple'.³⁰ D'Oysel employed neither the words 'crown' nor 'coronation', thus giving no indication that Guise was 'crowned'. The unknown copyist, however, inserted the letter 'b' following the word 'investie', directing attention to a marginal note which read: 'elle receut de Doisel l'Epée, le sceptre & la Cœurone, a qui le Comte d'Háilton les avoit remis en vertu des pouvoirs qu'il en avoit de la Jeune Reine'.³¹ The source of the note (which appears in a later hand) is unclear, but it is possible that the author drew on Buchanan's account of Guise's appointment, which explains that D'Oysel took the 'Ensigns of his [Châtelherault's] Government' to the dowager.³² This transfer of the honours from the outgoing regent to the incoming one constitutes an adaptation of normal parliamentary procedure, whereby the honours were carried before the monarch or royal representative and then placed before him or her on a table whilst parliament was in session.³³ The idea of the honours being transferred from Châtelherault to Guise also appears in Pitscottie, who further emphasises that thereafter Châtelherault took his place amongst the nobility. In view of evidence for the layout of the late sixteenth-century

²⁹ For her coronation as queen consort see: Andrea Thomas, 'Crown Imperial: Coronation Ritual and Regalia in the Reign of James V', in Julian Goodare and Alasdair MacDonald (eds.), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 43–67, at pp. 63–6.

³⁰ D'Oysel to Noailles, 15 April 1554, Paris, Archives Étrangères [AE] CPA 12 f. 379: 'the said Lady having been invested into the Regency on Thursday last, the twelfth of this month, and put in the administration and entire authority of this Kingdom, to the great contentment of all the people.'

³¹ D'Oysel to Noailles, 15 April 1554, AE CPA 12 f. 379. 'she received from D'Oysel the Sword, the sceptre and the Crown, to whom the earl of Hamilton (*sic*) had remitted them, by the right of the powers which he had from the young Queen'.

³² Buchanan, *History*, II, p. 233; Pitscottie, *History and Chronicle*, II, pp. 114–15.

³³ Mann, 'House Rules', p. 152.

parliament, this probably entailed Châtelherault moving out of the area behind the inner bar reserved for the monarch or representative and officers of state, and sitting instead immediately to the left of this area amongst senior nobles.³⁴ This more plausible account of Guise's inauguration reveals that the Scottish political community managed the uniquely consensual, negotiated transfer of power from one regent to another which took place in 1554 through the use of symbolic conventions surrounding status and precedence, amongst which association with the honours was paramount. The honours played an equally significant role in future 'consensual' power transfers: when parliament met to confirm Mary's abdication in favour of James, 'in signe and takin thair of ... Lord Lindesay and Ruthven presentit befor the saidis lordis of the nobilitie, spritualitie, commissaris of burrowis, baronis and people con-venit, the sword, sceptour and royall croun of this realme'.³⁵

In addition to their own inaugurations, both Margaret and Arran were able to participate in the monarch's coronation ceremony in their capacities as regent, although the extent of their activities is unclear.³⁶ Despite her absence from speculative reconstructions of James' coronation, as regent Margaret may have taken the oath on James V's behalf; if she did, this might explain why there is no evidence that she received a specific inauguration ceremony.³⁷ In England, Edward VI was jointly crowned by Protector Somerset and Thomas Cranmer, archbishop of Canterbury; there is no evidence for comparable practice in Scotland although it is plausible that Arran, like Somerset, led the acts of homage undertaken by the nobility and took the coronation oath on Mary's behalf.³⁸ Despite the English ambassador Sadler's snide derision of Mary's coronation, there is evidence that events impressed contemporaries.³⁹ Although no direct evidence survives for activities in September 1543 Pitscottie later recalled that the coronation was celebrated 'with gret solempnitie, triumphe, playis, phrassis and bankating and great danceing befor the quene with greit lordis and frinche ladyis'.⁴⁰ Since Moray was in France in July 1567, he was absent from James VI's coronation; however, the English ambassador Nicholas Throckmorton reported that Morton and John Erskine, laird of Dun and superintendent of Angus and Mearns, took James VI's coronation oath.⁴¹ Erskine's role in taking the oath is somewhat surprising in view of his relatively modest

³⁴ Buchanan, *History*, II, p. 233; Pitscottie, *History and Chronicle*, II, pp. 114–15.

³⁵ RPS, 1567/7/29/2. Date accessed: 12 July 2013.

³⁶ For Guise: Thomas, 'Crown Imperial', pp. 63–66; for a comparison with Anna of Denmark: M. Meikle, 'Anna of Denmark's Coronation and Entry into Edinburgh, 1590: Cultural, Religious and Diplomatic Perspectives', in Goodare and Macdonald (eds), *Sixteenth-Century Scotland*, pp. 277–94.

³⁷ Thomas, 'Crown Imperial', p. 54.

³⁸ Hunt, *Drama of Coronation*, p. 94.

³⁹ Sadler to Henry VIII, 11 Sept. 1543, NLS 33.3.10 f.257.

⁴⁰ Pitscottie, *Historie and Cronicles*, II, p. 15.

⁴¹ Throckmorton to Elizabeth, 31 July 1567, TNA SP52/14 f. 104r.

social position and is not mentioned in the Privy Council Register, which recorded only the participants of the most elevated social status.⁴² However, it is also possible that on this occasion the English ambassador was misinformed. Nevertheless, Throckmorton's report that Erskine had jointly officiated at James' coronation alongside John Spottiswoode, superintendent of Lothian, and Adam Bothwell, bishop of Orkney, is highly plausible. Nobility and Kirk were thus both represented in acquiescing to the change of monarch.

Just as James VI's coronation is the best documented of the century, so are the inaugurations of his regents. This is largely attributable to the detailed correspondence produced by resident English diplomats. The indefatigable Throckmorton described Moray's inauguration in exhaustive detail, and sparser accounts of Lennox's and Mar's inaugurations in 1570 and 1571 indicate that they conformed to the same pattern. Little information survives regarding Morton's inauguration; perhaps by 1572 such ceremonies had lost their novelty and were no longer noteworthy. Paralleling the Scottish coronation ceremony, proceedings started with the estates offering the regency to the candidate, thereby 'establishing a contractual relationship' between ruler and ruled.⁴³ Moray 'made a Longe dyscourse conteyninge hys Insuffycyentcy, and dyshabylytye for that charge', but accepted on being pressed a second time, a flourish of Renaissance rhetoric designed to confirm his lack of ambition for power, and so to address fears of an overly-ambitious regent.⁴⁴ The Justice Clerk then administered an oath to Moray, identical to that taken on James VI's behalf at his coronation.⁴⁵ Although as regent Moray made the same promises as a monarch, as with his predecessors, they were transposed to a secular setting: his inauguration took place in the Tolbooth of Edinburgh, not a chapel, and the person administering the oath was the Justice Clerk, not a primate or prelate.

Moray's oath bears substantial similarities to the extant fourteenth-century equivalents and thus offered a powerful point of continuity with the past, in turn raising the possibility that his sixteenth-century predecessors also took a version of this oath.⁴⁶ Nevertheless, it appears that the ceremony thereafter departed from earlier precedent. Subsequent to taking his oath, Moray was required to 'lay his hande uppon the bybill with Inclinatioun of his bodie than let him singe the lxxij Psalme'.⁴⁷ Psalm-singing was significant for members of the reformed faith, in serving to create a 'spiritual bond' in reformed

⁴² RPC, I, p. 542.

⁴³ Thomas, 'Crown Imperial', p. 51.

⁴⁴ Throckmorton to Elizabeth, 23 Aug. 1567, TNA SP52/14 f. 164r.

⁴⁵ Moray's oath, TNA SP52/14, f. 167r; RPS, 1567/8/2, date accessed: 25 June 2014.

⁴⁶ Throckmorton to Elizabeth, 23 Aug. 1567, TNA SP52/14 f. 164r; Thomas, 'Crown Imperial', p. 48.

⁴⁷ Moray's oath, TNA SP52/14 f. 167r.

congregations, and acting as a celebratory activity.⁴⁸ The decision that Moray should sing a psalm occurred in the context of his broader attempts to portray himself as a godly, almost ‘theocratic’ ruler.⁴⁹ The seventy-second psalm had been selected for its specific resonance: it is a psalm for King Solomon, which, in the Scottish metrical version, opens, ‘Lord, give thy judgements to the king, therein instruct him wel. And with his sonne, that princelie thing, Lord, let thy iustice dwell, that he may govern uprightly, And rule thy folk aright: And so defend through equitie, the poore that haue no might’. The choice of psalm thus laid emphasis on Moray’s ability to be a successful ruler by dispensing justice, whilst reference to ‘the king’s son’ was especially pertinent to Moray as a royal bastard. Both themes would resonate throughout subsequent attempts to legitimise the rule of ‘the Good Regent’ and in forging Moray’s posthumous reputation.⁵⁰

A significant innovation of the 1567 inauguration was the inclusion of a set of mutually binding articles agreed between Moray and the assembled estates.⁵¹ Whilst the oath featured in pre-Reformation coronation ceremonies, the articles probably first appeared in 1567, and served to reiterate contractual understandings of regency. It is possible that Lesley’s claim that Albany ‘acceptit the governement of the realme; quhilk he promiseit to use be thair [the lords] adviss, sua being thay wald assist to the furth setting of justice; quhilk thay promiseit to do’ may suggest that a similar agreement was made in 1515, but this account of Albany’s inauguration may have been influenced by the more recent experience of Moray’s.⁵² The first six articles agreed in 1567, Throckmorton reported, were presented by Moray to the lords. These consisted of a series of promises to assist Moray, comprising a commitment to a speedy parliament to place the Kirk on a secure footing, a promise to assist in administering justice, and provision for a number of lords to remain permanently with the regent to supply counsel. Considering that public officers ‘ar the principall nervis and senuouis quhilk Joynis the haill body and retenis and kepis thame in ordour’, the fourth article provided that good officers would be retained and bad ones replaced, whilst the fifth and sixth prevented remissions being granted for murders, and bound the lords to aid Moray in pursuing rebels and promoting the reformed religion. Throckmorton claimed that the final article, by contrast, had been suggested by the lords to Moray: the copy enclosed with his despatch bears this out, since the final article was

⁴⁸ James Porter, “Blessed spirits, sing with me!”: Psalm-singing in Context and Practice’, in James Porter (ed.) *Defining Strains: the Musical Life of the Scots in the Seventeenth Century* (Bern, 2007), pp. 299–322, at p. 301.

⁴⁹ Webb, ‘The “Gude Regent”’, p. 52.

⁵⁰ Amy Blakeway, ‘The Response to the Regent Moray’s Assassination’, *SHR* 88 (2009), pp. 9–33.

⁵¹ Articles between Moray and the lords, TNA SP52/14 f. 168.

⁵² John Lesley, *History of Scotland, from the death of King James I in the year 1436 to the year 1561*, ed. T. Thomson (Edinburgh, 1830), p. 102.

added to the text in a different hand.⁵³ Unlike earlier articles, this final provision restricted the regent's powers. In return for promising to help Moray, the assembled nobility extracted a commitment from the new regent to refrain from declaring war or making peace, treating for James VI's marriage, or altering the arrangements relating to the deposed Mary, Queen of Scots, without first obtaining consent from a majority of the privy council.

Whilst the articles agreed between Moray and the Lords have a distinctly contractual flavour, they stopped short of the measures proposed by the General Assembly. The Kirk proposed that, 'befoir they be crownit and inaugurat' any future ruler should promise to maintain the Kirk and the law of God, as set out in Deuteronomy (in which Moses stressed the importance of God's laws) and the second book of Kings (in which the child-King Josiah rebuilt the temple). Such a promise was to comprise a 'band and contract to be mutual and reciprocal in all tymes comeing, betuixt the Prince and God, and also betuix the Prince and his faithfull people, according to the word of God'.⁵⁴ This explicit terminology was not included in Moray's inauguration. However, in the inaugurations of Lennox and Mar, the order of the ceremony was reversed and the articles were placed before the oath, as advised by the Kirk and subsequently laid out in the draft legislation of the December 1567 Parliament.⁵⁵ Regency was thus rendered contingent upon entering into an agreement with the estates. At Lennox's election, four new articles were added to the list agreed between the new regent and assembled lords, one of which encouraged Lennox to keep peace with all the king's friends, especially the queen of England.⁵⁶ Another article forbade Lennox from offering remissions to those implicated in the murders of Darnley and Moray; this became a standard position for the king's party in all negotiations and agreements during the Marian Civil War. The remaining two articles articulated financial concerns: one ensured that the king's household would be sufficiently funded and that financial officials would receive help in undertaking their duties, whilst the other prevented Lennox from making grants of the crown's property without first seeking the council's advice. The reversal of order of the ceremony reflects the increasingly elective justification for regency following the York-Westminster conference. By the time of Mar's entry into office, the ceremony concluded with the assembled company entering into a bond recognising the king's authority as represented by his regent, and offering themselves to face the full force of the law in case of 'oure unnaturall defectioun and inexcusabill untrewithh'.⁵⁷ This is not mentioned in the official parliamentary record of

⁵³ Throckmorton to Elizabeth, 22 Aug. 1567, TNA SP52/14 f. 165; Articles between Moray and the lords, TNA SP52/14 f. 168v.

⁵⁴ Alexander Peterkin (ed.), *Booke of the Universall Kirk* (Edinburgh, 1839), p. 68.

⁵⁵ RPS, 1567/12/35. Date accessed: 14 August 2013.

⁵⁶ BL MS Cotton Calig. C II ff. 314–18. A draft with some variations from the final agreement: *ibid.* ff. 227–8.

⁵⁷ RPS, A1571/9/20. Date accessed: 6 June 2013; RPS, A1572/11/17. Date accessed: 6 June 2013.

earlier inaugurations, but it is highly plausible that bonds were made either within or outside parliament. Possible corroborative evidence for this practice can be found in the bond confirming Châtelherault's discharge from office rendering him immune from legal repercussions from actions he had taken as regent and entered into the 1554 parliamentary register.⁵⁸

Such were the ceremonies that transformed a private individual into a public officer who bore the person of the monarch. But how were those who claimed their power by virtue of election by the estates selected? Neither Moray nor Lennox was chosen through a contested election. Rather, in Moray's case, the abdication documents signed by Mary constituted the initial basis of his position, so no election was necessary. For Lennox, it was evidently felt that the choice of candidate was clear and unanimous, thus no vote was required by way of confirmation. Both Mar and Morton were, however, 'elected' in a process closer to modern understandings of the word: multiple candidates stood from amongst whom one was selected by voting. Thereafter, Mar agreed to sets of articles comparable to those accepted by Lennox and took the oath; it is likely that Morton also did so.⁵⁹ The fact that Lennox's election did not require an alternative candidate renders the process by which Mar and Morton were appointed unusual, and it is worth considering in detail.

Mar's appointment took place within a day of Lennox's death. This speedy election was facilitated by the fact that Lennox had been assassinated during a session of parliament; hence everyone whose presence was required to select a new regent was already in situ. Following the Queen's Party attack which had resulted in Lennox's death, it was evidently desirable to avoid a second lengthy 'interregnum' comparable to that which followed Moray's demise. Such haste did not escape the Queen's Party's notice, for Lethington and Grange sneeringly remarked that 'It apperis thay cared litill for the lose off him [Lennox] yea esteamed it na losse at all in respect thay appointed therle off mar in his rowme to be regent within xx hors efter the others death'.⁶⁰ The rapid procedure was also doubtless facilitated by a substantial level of support, since Mar achieved a unanimous victory over his opponents, Argyll and Morton.⁶¹

The speech Mar made in the estates on his election, wherein he promised to fulfil his oath, but also requested that he be allowed to demit the regency should its burdens prove too great, is well known as evidence of his reluctance to rule; this trepidation regarding the regency was shared by Argyll.⁶² There is

⁵⁸ RPS, A1554/4/3. Date accessed: 2 August 2013.

⁵⁹ RPS, A1571/9/6–17. Date accessed: 25 June 2014.

⁶⁰ Maitland and Grange to Burghley, 6 Sept. 1571, TNA SP52/21 f. 81v.

⁶¹ Buchanan, *History*, II, p. 442. The unanimity of Mar's election is supported by contemporary correspondence: Anon. to Burghley, 5 Sept. 1571, TNA SP52/21 f. 71v.

⁶² RPS, A1571/9/5. Date accessed: 25 June 2014; Jane Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots: the Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002), pp. 188–9.

a wealth of additional information, however, in accounts of Lennox's death and Mar's election sent to England by various informants in Scotland. One particularly revealing letter to the English commander Sir William Drury was written by an unidentified informant staying in the same house as Morton, and therefore probably a Douglas dependant. The writer describes in vivid detail the arrival of the Queen's Party and their attempted ambush of the king's men: Morton and his companions fought to hold off Buccleuch until the house caught fire and they were obliged to surrender to save their lives. Whilst remaining uncertain of the exact circumstances surrounding Lennox's death, the informant affirmed that 'this day the v hereof the erle of mar is chosing regent quha has not as zit acceptit the office upon him & sayis he will not do it howbeit he morton & argile ar suorn affar they departit out off the counsailhouse that quhilk of these thre the remitment off the Lords suld lay the office upon suld attempt the charge'.⁶³ Despite Mar's reluctance to accept the regency, he apparently did not claim that he was precluded from doing so on account of his position as keeper of the king's person. Mar's ability to combine the two offices neatly illustrates the extent to which the understanding of regency as based upon a place in the royal succession, and the attendant risks in such an understanding, were being superseded by elective concepts of the office during the 1570s.

Whilst this report confirms Mar's reluctance to take office, it also generates inferences regarding the procedure of elections. The three candidates were initially in the 'counsailhouse', presumably the Stirling Tolbooth, amongst the king's men who would vote in the election. At this point the candidates were nominated. Although this process remains unclear, Mar's aversion to taking the regency reveals that the candidates did not nominate themselves. The candidates then left the room together, presumably after the nominations were complete, and stayed alone for a sufficient period of time to swear to stand by the results of the elections. It appears likely that voting took place during this period. Since the candidates did not witness the proceedings, this may indicate that voting took place by raising hands or some other public method, possibly accompanied by debate and discussion. This corresponds with the normal method of decision-making in parliament.⁶⁴ Once a conclusion was reached, the candidates were summoned back and informed of the result. The ability of the estates to coerce a reluctant candidate to enter into the contract of regency is a further point of contrast with modern understandings of an elective office, and underscores the extent to which the responsibilities associated with regency constituted a heavy burden.

Morton's election was contested by one opponent, Alexander Cunningham, fourth earl of Glencairn; although Argyll remained a serious alternative he

⁶³ Anon. to Drury, 5 Sep. 1571, TNA SP52/21 f. 69v.

⁶⁴ Julian Goodare, *The Government of Scotland 1560–1625* (Oxford, 2004), p. 37.

did not stand.⁶⁵ Hewitt, Morton's biographer, has concluded that Glencairn's personal loyalty to Morton means that his candidacy should be regarded as 'a mere formality'.⁶⁶ This position has some support from Glencairn being dismissed as too old and too poor to be considered a serious candidate had Morton died in 1573.⁶⁷ Despite such disadvantages, it is unlikely that Glencairn's candidacy was merely 'a formality', since, as we have seen, having a vote or choosing between multiple candidates did not constitute an essential part of a sixteenth-century Scottish regency election. It is plausible that the second nomination was intended to bolster Morton's security by allowing him to claim that he was actively chosen as regent, rather than simply being accepted by default as sole candidate. Alternatively, it is also possible that this is a sign that understandings of regency were developing still further and that making an adjudicative decision was becoming a necessary aspect of the selection process.

Counselling Regents

Following their inaugurations, like all early modern European rulers, regents were obliged to shape their actions with reference to the counsel they received. Like their monarchical counterparts, such advice came in a range of forms and flavours, from formal to informal, and from institutional to literary. An example of the latter can be seen in William Lauder's *Ane compendious and breve tractate, concernyng the office and dewtie of kyngis, spirituall pastoris, and temporall jugis* (1556), probably written as advice for Marie de Guise.⁶⁸ Although there is no evidence that Guise obtained a copy, and Lauder dedicated the work to monarchs and princes in general rather than Guise specifically, Lauder enjoyed contact with Guise's court circle, raising the possibility that she encountered the work. Lauder's advice is conventional, and indicates that, if written with Guise in mind, regents were considered worthy of receiving the same advice as other princes. Continuity of advice is also visible in a translation of Machiavelli's *The Prince* into French, dedicated to

⁶⁵ G. R. Hewitt, *Scotland under Morton, 1572–80* (Edinburgh, 1982), pp. 24–5; Dawson, *Politics of Religion*, p. 190.

⁶⁶ Hewitt, *Scotland under Morton*, p. 19. Hewitt is mistaken in claiming that it was William Cunningham who stood against Morton – this is not the case, although William was a family name: Alexander's father and son, the third and fifth earls, were both called William.

⁶⁷ [Killigrew?] 'Observations and Occurrents out of Scotland', 23 June 1574, TNA SP52/26 f. 47v.

⁶⁸ Paul Baines, 'Lauder, William (c.1520–1573)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/16120>, accessed 18 May 2014]; David Laing, 'Additional Note' in *The Extant Poetical Works of William Lauder, Playwright, Poet and Minister of the Word of God*, ed. F. J. Furnivall (London, 1870), p. ix.

Châtelherault and published in 1553.⁶⁹ The translator, Gaspard d'Auvergne, was an advocate in the French town of Châtelherault. Despite the controversy surrounding Machiavelli, as d'Auvergne explained in the work's preface, he considered the treatise especially suitable for the duke given its relevance to his military duties. Furthermore, d'Auvergne considered that the merits of *Il Principe* in providing a successful approach to politics in 'ce meschant & corrompu monde' justified his efforts in translation, despite the text's contentious aspects.⁷⁰ D'Auvergne's description of Châtelherault's 'qualité de Prince' provides further evidence for the comparability of regents and other chief magistrates.⁷¹ The works of Machiavelli were relatively well known in Scotland by the latter half of the sixteenth century, at least by reputation if not a detailed understanding of Machiavelli's thought; this literary offering therefore may well have provided the Scots with an early introduction to the controversial Italian.⁷² Châtelherault also received advice from David Lindsay in 1554, who dedicated his *Monarchie* to 'our Prince and Protectour' and his half-brother, John Hamilton, archbishop of St Andrews 'our Spiritual Governour', enjoining them to pursue an active programme of religious reform.⁷³ To Lindsay's mind, regents had the same spiritual responsibility for the nation as did a monarch. Whilst Lindsay was often 'bemoaning periods of minority rule' in general terms, he nonetheless recognised the success of both Albany and Châtelherault as regents, presenting Châtelherault in particular in a positive light and providing him with advice which could easily have been directed to a monarch.⁷⁴

The continuity of content in counsel provided by such literary offerings must, however, be offset against the context of the increased significance of the council during regencies. This shift has already received historiographical attention, and well known arguments need not be rehearsed at length

⁶⁹ As the precept for its publication dates from 1547, this suggests the work was begun earlier than its known publication date implies. Henry W. Meikle, 'Introduction', William Fowler, *Works of William Fowler, Secretary to Queen Anne, Wife of James VI*, ed. Henry W. Meikle (3 vols, Edinburgh, 1914–40), III, pp. xciii–xciv. Only one copy of the original 1553 edition is known to be extant, formerly in the possession of the Dukes of Devonshire at Chatsworth, it now resides in the Pierpont Morgan Library in New York.

⁷⁰ Meikle, 'Introduction', to Fowler, *Works*, p.xciv–xcvii: 'this wicked and corrupt world'.

⁷¹ Meikle, 'Introduction', to Fowler, *Works*, p.xcv: 'princely qualities'.

⁷² Meikle, 'Introduction', to Fowler, *Works*, p.xcvii. For Machiavelli in Scotland more broadly; Mark Loughlin, 'The Dialogue of the Twa Wyfeis: Maitland, Machiavelli and the Propaganda of the Scottish Civil War', in A. A. MacDonald, Michael Lynch, and Ian Cowan (eds), *The Renaissance in Scotland: Studies in Literature, Religion, History and Culture offered to John Durkan* (Leiden, 1994), pp. 226–45.

⁷³ David Lindsay, *Ane Dialogue Betuixt Experience and ane Courteour* (Edinburgh or St Andrews, 1554) [pp. 1–2].

⁷⁴ Carol Edington, *Court and Culture in Renaissance Scotland: Sir David Lindsay of the Mount (1486–1555)* (East Linton, 1995), p. 75.

here.⁷⁵ However, although the consideration of regents and their councils is therefore brief, it is nevertheless worth emphasising that regents' relationships with their councils were far from uniform. During the regencies of Margaret and Arran, for instance, there was significant concern to ensure adequate attendance at the council. Both were provided with a small 'daily' council, drawn from a large pool of councillors on a rotating basis, to reside permanently with the regent 'for gud Rewle to be kept within the Realm'.⁷⁶ Various arrangements were made for Margaret's 'daily' council, which was a distinct group drawn from amongst the larger body of the Lords of Council and Session, and was supposed to consist of a minimum of either six or eight lords, half spiritual and half temporal, augmented by any other lords of council in the vicinity.⁷⁷ It seems plausible that Margaret retained some degree of choice in their selection, although the claim that councillors were to be appointed 'as it lykys the queyn to command' could simply be a conventional phrase.⁷⁸ Given this concern to ensure that the queen dowager was constantly attended upon by men appointed 'ffor to geve hir consale and assist with hir grace In sic matteris and actionis as sall ocur for ye tyme', the fact that in the summer of 1514 she was apparently able to woo and marry a peer of the realm in absolute secrecy is somewhat surprising.⁷⁹

Margaret's gender might have been a factor in the perceived need to ensure a minimum quorum of attendance at her daily council; however, this cannot explain why similar provisions were instituted for Arran. On 15 March 1543, thirty individuals were appointed to be members of Arran's privy council, including members of the spirituality and temporality, and the officers of state, from amongst whom a minimum of six were to remain with the governor at all times.⁸⁰ The fact that these provisions were revised on a number of occasions throughout the 1540s points to an ongoing concern to provide Arran with a minimum quorum of approved councillors.⁸¹ No direct explanation was offered for the extra degree of conciliar presence surrounding Margaret

⁷⁵ Goodare, *Government of Scotland*, pp. 129–30. Similar arguments have been advanced for the increased importance of counsel during English royal minorities: Steven Alford, *Kingship and Politics in the Reign of Edward VI* (Cambridge, 2002), pp. 48–50.

⁷⁶ Minutes of council meeting, 22 Oct. 1513, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 10.

⁷⁷ Minutes of council meeting 19 Sept. 1513, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 3; Minutes of council meeting, 22 Oct. 1513, *Acta Dominorum Concilii*, NRS CS5/26 f. 10. A later order for four named temporal lords to remain with the queen may have been either a new arrangement or simply the next four appointed under an earlier rotation: Minutes of council meeting, 1 Dec. 1513, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 26v.

⁷⁸ Minutes of council meeting, 22 Oct. 1513, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 10r.

⁷⁹ *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 26v.

⁸⁰ RPS, 1543/3/19. Date accessed: 7 February 2013.

⁸¹ RPS, A1545/6/10. Date accessed: 7 February 2013; RPS, A1546/6/3. Date accessed: 7 February 2013; RPS, A1547/3/2. Date accessed: 7 February 2013.

and Arran. The most obvious explanation is that for some reason these two regents were considered in need of extra advice, either due to a lack of ability or particularly taxing circumstances. Since Arran was travelling frequently in his military duties procuring adequate attendance might have posed particular problems, indeed, travel seemingly explains a comparable situation during Mary's majority, when a rotating daily council was set up to accompany her on progress to the Highlands in 1562.⁸² Moreover, the provision of a daily council was not the only model of a regent-council relationship. When Albany arrived in Scotland existing councillors were re-appointed but no daily council was established.⁸³ Furthermore, whilst Albany's name regularly featured in the sederunt lists, the extent to which he understood proceedings, at least immediately upon his arrival in Scotland, was apparently limited by his reliance upon translations, the reliability of which, on at least one occasion, caused discontent.⁸⁴ Guise's council registers are lost.⁸⁵

The articles made between James VI's regents at their inaugurations, as we have seen, placed a contractual obligation upon regents not simply to consult but in some instances to be bound by the majority decision of the privy council. Despite – or perhaps because of – the increased obligation to consult and heed the privy council none of James VI's regents appear to have been provided with a 'daily council'. In 1569, however, as part of a broader proposal for conciliar reorganisation Moray was advised to 'cheis twa, thre, or fuir of your previe counsale to mak continewale residance with your grace, and to find yame selfis euerie day but faill in ye counsale chalmer'.⁸⁶ The inner core would be supplemented by other councillors in the vicinity. Although the scheme was never implemented it is worth considering, not least because it shows that it was at least plausible that regents could alter governmental procedures. The scheme proposed that individuals would be appointed with responsibility for the four main areas of government, namely, the schools and ministry, laws and the execution of laws, finances, and military capacity. Each 'minister' would be assigned a day in council to discuss concerns appertaining to their area. The author hoped that a specialised division of labour would speed progress towards a godly polity, and that by following the scheme Moray would find himself 'releivit incredible of this Intollerabill and continewall trubill, Resulting onlie of Inlaik of ordour in sic ane multitude of effairis'.⁸⁷ The new-look council would have entailed a substantial alteration of existing

⁸² Goodare, *Government of Scotland*, p. 141 n.53.

⁸³ *Acta Dominorum Concilii*, 1515–16, NRS CS5/27 f.1r, 6v.

⁸⁴ *Acta Dominorum Concilii*, 1513–14, NRS CS5/27 f.11v.

⁸⁵ Goodare, *Government of Scotland*, p. 130; Ritchie, *Mary of Guise*, pp. 125–6. Some sketchy notes on the volumes do remain extant: *RPC* XIV pp. 11–15.

⁸⁶ Moray Archive, NRAS 217, Box 43, doc. 90 f. 2r. For a summary of this document which omits some of its points: HMC, *Sixth Report, Appendix* (London, 1877), p. 645. The point about increasing the council with other nobles on a flexible basis is not included in the HMC report.

⁸⁷ Moray Archive NRAS 217, Box 43, doc. 90 f. 1v.

practice.⁸⁸ Whilst business would have been regulated and rationalised, it is not clear how, for instance, the new 'minister' for revenue would have related to existing financial officials. The author, possibly Henry Balnaves, was anxious to explain that his changes would not require a vast quantity of manpower, requiring seven individuals at the most.⁸⁹ Minimum daily attendance would have hovered between three and four councillors, plus the regent. To contextualise this, the sederunt at Moray's council rarely fell this low, nine or ten councillors was a much more usual number, as it would be during James VI's personal rule.⁹⁰ It is therefore unlikely that this was motivated by concerns surrounding an insufficient quality or quantity of counsel.

The increased significance of the council during regencies is illustrated by the fact that generally regents attended the council in person more frequently than monarchs did. Mary and James VI attended their councils 'periodically'.⁹¹ By contrast, Moray did not miss a council meeting during his regency and Mar only missed five meetings of the council, all during his brief absence from Leith in the autumn of 1571.⁹² Morton missed no meetings before 1574 and thereafter only thirteen during the remainder of his regency.⁹³ This newfound willingness to skip meetings coincided with the period when the council's business increased and the burden of attendance was concomitantly growing.⁹⁴ Like Guise's, Lennox's council registers are missing.⁹⁵ Arran himself was almost invariably present, and Guise attended his council with some regularity. Whilst changes to record keeping during the 1540s make comparisons with James V's reign difficult, from the 1540s onwards it seems that regents generally attended the council more frequently than monarchs. Whether this was prompted by an attempt to retain control, create political cohesion, share responsibilities for decisions made, a combination of these reasons or something else entirely is not clear. Indeed, sederunt lists, on which these conclusions rest, are not a wholly reliable indication of attendance. Nevertheless, Morton's absences from 1574 may suggest that periods of enhanced stability allowed rulers to step back from personal oversight of the expanding minutiae of government.

It is worth pausing over Margaret's relationship with and attendance at the council, since her perceived lack of involvement in government during her

⁸⁸ Goodare, *Government of Scotland*, pp. 135–6.

⁸⁹ Moray Archive NRAS 217, Box 43, doc. 90 f. 2r. This point was not included in the HMC summary. For the authorship attribution: Goodare, *Government of Scotland*, pp. 135–6.

⁹⁰ Moray was assisted by three councillors on 7 October 1567, 3 April 1569, 22 August 1569 and 12 October 1569. RPC, I, pp. 577 650; RPC, II, pp. 13, 35. Goodare, *Government of Scotland*, p. 137.

⁹¹ Goodare, *Government of Scotland*, p. 140.

⁹² RPC, II, p. 93.

⁹³ RPC, II, pp. 377, 411, 413, 416, 423, 449, 456, 501, 503, 517, 532, 563, 618.

⁹⁴ Goodare, *Government of Scotland*, p. 132.

⁹⁵ A set of notes made on the Council Register for Lennox's regency provide partial coverage of this period: RPC, XIV, pp. 58–112.

regency provides the foundation for claims that she was nothing more than a 'figurehead'.⁹⁶ Doubtless this role would have been pleasing to some members of the council, such as the first earl of Arran. Nonetheless, there is evidence that Margaret attempted to forge a politically influential role, and that her alternative understanding of the relationship between regent and council created political conflict. Margaret was listed in the council sederunts only twice during her regency, on 13 and 14 July 1514.⁹⁷ She was, however, certainly present at other council meetings, despite the omission of her name from the sederunt list. On 26 September 1513, for example, Lord Maxwell was summoned before the council 'at the quenis Instance'.⁹⁸ On 24 October 1513, Margaret and the Lords of Council re-admitted the Justice Clerk to his office.⁹⁹ On 10 July 1514, Margaret signed an act declaring unity between herself and the lords both spiritual and temporal.¹⁰⁰ On 12 July 1514, she requested that a formal note be made of the lords' promise to overcome their divisions.¹⁰¹ These examples of Margaret's physical presence in council when she was not listed in the sederunt suggest that she attended other meetings when her presence passed unrecorded. This was certainly logistically possible: as the itineraries discussed in chapter five indicate, the council almost invariably met where Margaret was resident.

Even when not present in the council in person, Margaret clearly felt entitled to intervene in its proceedings. On 26 March 1514, whilst in Stirling preparing for childbirth, Margaret wrote to the council in Edinburgh requesting the dismissal of Patrick Panter as secretary.¹⁰² James Hamilton, first earl of Arran, denied the request, on the dubious grounds that parliamentary approval was necessary to remove the secretary.¹⁰³ The next day, Arran moved that all correspondence with Rome should be read to the council prior to despatch, preventing Margaret from acting alone in appointments to benefices.¹⁰⁴ It is

⁹⁶ W. K. Emond, 'The Minority of James V 1513–1528' (Ph.D. thesis, University of St Andrews, 1988), pp. 11, 19–20.

⁹⁷ Minutes of council meetings, 13–14 July 1514, Acta Dominorum Concilii, 1513–14, NRS CS5/26 ff. 144v–145.

⁹⁸ Minutes of council meeting, 26 Sept. 1513, Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 4v.

⁹⁹ Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 6v.

¹⁰⁰ Agreement in council, 10 July 1514, Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 141v.

¹⁰¹ Minutes of council meeting, 12 July 1514, Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 143.

¹⁰² It was usually left to the queen to determine when she withdrew from court life prior to childbirth: Fiona Downie, *She is but a Woman: Queenship in Scotland 1424–1463* (Edinburgh, 2006), p. 128. The letter has not survived but a subsequent letter refers to the earlier piece of correspondence: Margaret to the Council, 26 March 1514, Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 133v.

¹⁰³ Minutes of council meeting, 5 April 1514, Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 130.

¹⁰⁴ Minutes of council meeting, 7 April 1514, Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 133v.

highly probable that these two attempts to limit Margaret's authority deliberately exploited the fact that she was absent from council, relatively incapacitated, and thus unable to retaliate. If this is the case, then it can be strongly inferred that Margaret usually attended the council and enjoyed a degree of success in influencing proceedings. As we saw in chapter one, following her remarriage Margaret's relations with the council had broken down and the council played a key role in ending her regency and removing her ability to wield power. Although Margaret resisted these efforts, and her cause was sporadically championed by her brother Henry VIII, since the council was implementing a well-established convention that widows could remain tutors only so long as they did not remarry, Margaret's removal from office was broadly accepted. The divergence of views on whether Margaret should have retained the regency was an entirely typical example of the multiple interests which came into conflict when a regent left office, and we shall now consider this subject in greater depth.

Demission and Deposition

Short of the incumbent's death in office, the only widely accepted methods of ending a regency were either the remarriage of a female regent appointed by her dead husband's will (as Margaret lost power in 1515), or, more commonly, the monarch publicly declaring their intent to rule in person (the justification used for the removal of Albany, Châtelherault and Morton from power). For regents whose authority rested on the succession or monarchical delegation, the idea that their power could be revoked by a body which had no part in donating it was illogical as well as illegal. The events of 1544, when Guise tried to depose Arran, and 1559–60, when Châtelherault and others rebelled against Guise, show that a desire for political change could leave theoretical justifications for legitimate rule to play catch up with political events. This point is also evident in James V's and James VI's assumption of power and the concomitant termination of the regencies of Albany and Morton respectively. Generally, the Scots showed a striking lack of interest in, or perhaps a willingness to depart from, precedent, when tying up loose ends surrounding explanations for the termination of a regency. This contrasted with their endeavours to legitimate regents on their entry into the office and the innovative explanations for Mary's deposition. By contrast, the frantic scrabble by Henri II to justify Guise's peaceful assumption of the regency from Châtelherault in 1554 by claiming that the queen had attained her majority shows an unusual concern for theoretical justifications of legitimacy. The ways in which regents lost office, and the lack of relation which this bore to the age of monarchical majority, stand at a considerable distance from the basis on which regents claimed power and the length of time outlined for their tenure. This tension between the theory of how regents obtained office and the practical reality of how they lost it is worth considering in greater detail.

According to the terms of Roman law, the age of majority for private individuals was reached on completion of the fourteenth year for boys and completion of the twelfth year for girls, which correspondingly passed into Scots law as the age until which tutors had to be provided for pupils.¹⁰⁵ This general provision rarely informed theory or practice for Scottish monarchs. In 1524 James V was declared capable of ruling (albeit aided by a council) aged twelve, two years prior to the appropriate point for males under Roman law, in order to justify a change of regime. By contrast, it appears that James himself felt that he had come of age at sixteen years, and that the estates agreed that he was indeed of 'tender years' until this point.¹⁰⁶ The influence of Roman law and the Scots private law surrounding tutors probably influenced the King's Party's claim of 1568 that James VI would come of age at fourteen years complete.¹⁰⁷ By contrast, Mary, Queen of Scots', letters of abdication of the previous year stated James VI would come of age at 'seveintene yeiris compleit'.¹⁰⁸ Both estimates were wildly overoptimistic, since James was, in fact, eleven years and nine months old when Morton abdicated the regency. Balfour's confident claim that 'The Kingis perfyte age is of twentie ane yeiris compleit', although based on an Act of Parliament of 15 December 1564 which declared that both James II and James III had come of age at this time, was thus in no way related to the reality of sixteenth-century politics.¹⁰⁹ The age at which monarchs became adult and the age when they were considered able to rule in person were evidently moving targets, and the two were not always synonymous. This flexibility facilitated the removal of several regents from office.

With considerable reluctance on the part of many Scots, Albany departed from Scotland for what would prove the last time on 31 May 1524, on the understanding that he was to return within three months or forfeit his office.¹¹⁰ He had made similar agreements to forfeiture of office in case of his non-return in 1521 and 1523 but the penalty was invoked on neither occasion, presumably because of a belief that 'he would return in the foreseeable future'.¹¹¹ The idea that the estates or council could set terms regarding

¹⁰⁵ Stein argues these ages were originally selected on the basis of their relationship to puberty: Peter Stein, *Roman Law in European History* (Cambridge, 1999), p.11; Balfour, *Practicks*, I, p. 121.

¹⁰⁶ Jamie Cameron, *James V: The Personal Rule, 1528–1542* (Edinburgh, 1998), pp. 9–10.

¹⁰⁷ 'Raisons for and against the fre Election to the Gouvernement During the Les age of Princis', NRS GD149/265 f. 65r; HH CP 138 f. 55; Haynes, *Collection of State Papers*, I, p. 485.

¹⁰⁸ Balfour, *Practicks*, I, p. 5.

¹⁰⁹ Balfour, *Practicks*, I, p. 9; RPS, A1564/12/2. Date accessed: 18 May 2014. The importance attached to this act is demonstrated by provisions made in December 1567 to have a reprint issued to correct an error in the earlier publication of the act. RPS, A1567/12/17. Date accessed: 18 May 2014.

¹¹⁰ Emond, 'Minority of James V', pp. 392–3; Acta Dominorum Concilii, 1523–4, NRS CS5/34 f.169v; Dacre to Wolsey 31 May 1524, BL MS Cotton Calig. B II ff.259–60.

¹¹¹ Emond, 'Minority of James V', p. 295.

the duration of visits abroad and enforce punishment through loss of office indicates the presence of a contractual element to maintaining the regency which sits uneasily with the fact that Albany claimed office through the succession. Clearly, a monarch who was absent from Scotland for longer than anticipated would not cease to be monarch, nor would magnates who lingered abroad forfeit their titles and lands simply for doing so (although ignoring a royal summons whether at home or abroad could have severe ramifications). It is likely that in making these 'contracts' Albany assumed that no-one would call his bluff, and on the first two occasions this gamble paid off. On 1 August 1524, however, aged twelve, James V attended the council for the first time to witness a declaration by the assembled lords that 'we Reuokcassis dischargis and annullis' Albany's authority so that the king could rule in person.¹¹² In a symbolic confirmation of this gesture, the non-hereditary officers resigned their offices, to which they had been appointed by Albany, in order that they could be re-granted by the king. Parliamentary confirmation of Albany's ejection from the regency 'for mony and diverse considerations' was obtained on 20 August and again in November, at which point parliament observed that Albany had broken the terms of his agreement to return by 1 September and so forfeited his regency.¹¹³ It is noteworthy that, with the exception of the November citation of Albany's failure to return, no explanation for Albany's forfeiture was actually provided in official documentation. Furthermore, James' age was not mentioned until the November Parliament, at which point it was implied that James had not attained 'full age', despite the fact that no replacement was appointed for Albany. Parliament provided the commissioners appointed to travel to England with various lengths of time for which peace should endure, one of which was 'to the perfite age of the kingis grace'.¹¹⁴ The 'perfect' age which they had in mind is unclear. It is worth noting that despite the fact that he never returned to Scotland, there is evidence that Albany continued to use the title of 'Governor', albeit inconsistently, until at least 1528.¹¹⁵ Evidently Albany considered that the actions taken by the estates from August-November 1524 had no legal validity, but he was unwilling to resort to force to press this point. We shall consider James' declaration of his majority in its European context in chapter six.

A similar willingness to ignore theoretical niceties in an attempt to gain power can be observed in Guise's unsuccessful attempt to depose Arran in 1544. Naturally, this significant event has provoked some debate: Ritchie cited the incident as evidence that the political community genuinely intended to oust Arran in favour of Guise, whilst Marshall interpreted these events as entirely legal, although hindered by Scottish unwillingness to

¹¹² *Acta Dominorum Concilii*, 1523–4, NRS CS5/34 f.192.

¹¹³ RPS, A1524/8/2. Date accessed: 28 July 2013; RPS, 1524/11/8. Date accessed: 28 July 2013.

¹¹⁴ RPS, 1524/11/20. Date accessed: 28 July 2013.

¹¹⁵ Emond, 'Minority of James V', p. 193.

break with Arran due to 'traditional loyalties'.¹¹⁶ Merriman, by contrast, suggested that those who supported the coup may not have intended to depose Arran, but rather 'just wished to force him [Arran] to broaden his council'.¹¹⁷ Nevertheless, considering the events between June and December 1544, an alternative, more complex explanation emerges. Although a range of attitudes towards the governor must have co-existed at any given moment, two broad shifts in attitude are discernible over these six months. Whilst opposition to Arran began as an attempt to secure a more comprehensive council, and was eventually defused by the promise of a wider range of advisors, during the intervening six months Marie de Guise did genuinely attempt to rival Arran's government. In the event, this venture enjoyed only limited success. Guise's behaviour at this juncture is striking, both because she had not been named as a potential candidate as regent in the immediate aftermath of James V's death, and because her attempted coup against Arran rested upon complaints about the quality of his governance. Despite the fact that Arran based his claim to rule on hereditary right Guise's challenge was justified in quasi-contractual terms.

On 3 June 1544 a convention of estates had been summoned to meet at Stirling to discuss, amongst other matters, the unsatisfactory progress of the war effort. The timing, however, was unfortunate, since the previous week Arran, Cardinal Beaton and Argyll had parted on bad terms.¹¹⁸ Shortly afterwards, Angus visited Guise at Stirling for an unknown purpose. It is tempting to speculate that the meeting might have been prompted by news of the argument and the occasion on which plans were laid to capitalise on these divisions at the convention.¹¹⁹ When it met, the convention raised concerns that Arran 'and his Counsaile that was chosen to have ben with him for the time' had been unable to obtain sufficient obedience to ensure effective prosecution of the war against England.¹²⁰ A small committee of lords was selected to consider how to resolve the problem of poor advice resulting in poor governance, and on 6 June, after several days of deliberation, they proposed that Marie de Guise 'shuld be adioyned with my lord Gouvernour in the using of thauthorite of gouvernement in all times coommyng And shulde be egall with him therintyll'.¹²¹ Arran and Guise would be aided by a council of sixteen, comprising twelve earls and four high-ranking clerics. The agreement met with general approval, and Arran requested twenty-four hours to deliberate. Unsurprisingly, he chose to deny the convention's authority and rejected their suggestion by simply refusing to respond. Intriguingly, Arran may have attempted to negotiate directly with Guise, sending her a message

¹¹⁶ Ritchie, *Mary of Guise*, p. 18.; Marshall, *Mary of Guise*, p. 151

¹¹⁷ Marcus Merriman, *The Rough Wooings: Mary, Queen of Scots 1542–1551* (East Linton, 2000), p. 157.

¹¹⁸ Wharton to Henry VIII, 3 June 1544, *HP*, II pp. 739–40.

¹¹⁹ Wharton to Henry VIII, 3 June 1544, *HP*, II pp. 739–40.

¹²⁰ Copy of the agreement made at Stirling, June 1543, TNA SP49/7 f. 76r.

¹²¹ Copy of the agreement made at Stirling, June 1543, TNA SP49/7 f. 76r.

on 6 June, the contents of which, unfortunately, remain unknown.¹²² Arran then failed to attend a meeting at the Greyfriars which had been called with the intention that he would submit to the proposal in person. He had been warned that should he fail to do so the lords would ‘determin him to be suspended from thadministracon of his office, And wode provide howe the same shulde be used in time to coom’, their choice being Marie de Guise.¹²³ A possible parallel can be found in Albany’s ejection following his failure to return as agreed in September 1524.¹²⁴ More broadly, this reflects the practice that criminals who failed to appear for their trial were assumed to be guilty, pronounced rebels and suffered the escheat of their estates. We shall return below to the contradiction between claiming power on the basis of hereditary succession but losing it at the pleasure (or, more accurately, displeasure) of the estates.

Meanwhile, Arran responded to this attempted coup by issuing a series of proclamations ‘dischargeing the quene of hir autorite’.¹²⁵ Nevertheless, Guise retained an impressive number of prominent supporters, including several bishops, the earls of Bothwell and Huntly, and the former anglophiles: Archibald earl of Angus; his brother Sir George Douglas; their uncle, the archbishop of Glasgow; and their wider group of kin and associates. During the summer Guise attempted to assert authority through unsuccessful diplomatic engagement with England, and struck coins bearing the cross of Lorraine.¹²⁶ It is likely Henry missed this opportunity to destabilise Arran’s regime because he now had a satisfactory alternative candidate of his own: in May Lennox had resigned his rights to the Scottish crown in return for a promise that he would be governor of Scotland under Henry should a projected conquest succeed. In any event, Guise’s efforts fell short of trying to create a full-scale rival administration. Throughout the summer Arran retained control of all the main mechanisms of government. He continued to direct the war effort and sent an ambassador to Denmark.¹²⁷ Likewise, he continued to control royal finances and ordered the convening of the exchequer.¹²⁸ Arran’s continued use of royal funds to support his household allows a detailed reconstruction of his movements during this period. On 7 June, when Arran was expected to reply to the convention, he left Stirling and went to Linlithgow, where he remained for five days. He then briefly visited Edinburgh Castle, demonstrating that he still had control of the crown’s major fortresses. Arran spent the rest of the summer moving between his

¹²² Treasurer’s Account, 1543–6, NRS E21/41 f. 84v. A payment for a messenger to Guise is recorded.

¹²³ Copy of the agreement made at Stirling, June 1543, TNA SP49/7 f. 77r.

¹²⁴ RPS, 1524/11/8. Date accessed: 28 July 2013.

¹²⁵ Treasurer’s Account, 1543–6, NRS E21/41 ff. 85v–86, 91v.

¹²⁶ Merriman, *Rough Wooings*, p. 157; R. B. K. Stevenson, ‘The Bawbee Issues of James V and Mary’, *British Numismatic Journal* 59 (1989), pp. 30–1.

¹²⁷ Treasurer’s accounts, 1543–6, NRS E21/41 f. 88–88v.

¹²⁸ Treasurer’s accounts, 1543–6, NRS E21/41 f. 92.

own estates in the west, but paid two visits to St Andrews, presumably to discuss events with Beaton, who, as Arran's chancellor, remained a member of his regime throughout this period.¹²⁹ When Arran summoned parliament in November, his order was obeyed. Whilst Arran's speed in calling an assembly prior to the one arranged by Guise has been recognised as adversely affecting support for her party, his declaration of a running parliament may also have discouraged waverers from subsequently attending Guise's convention.¹³⁰

The extent to which dissatisfaction with Arran's regime was provoked by a perceived exclusion from the process of counsel is underscored by the extent to which the three parliaments of November–December 1544 played a key role in returning disaffected individuals to the regime's fold. When Arran's parliament was called on 7 November, none of those who had signed the bond which declared Guise regent in June attended. However, parliament only attempted to punish the disloyalty of Angus, Bothwell and George Douglas, all of whom were summoned for treason. By 8 November, Marischall and Montrose arrived at Arran's parliament; both had earlier signed the agreement at Stirling supporting Arran's deposition.¹³¹ Presumably they bore letters from Guise's party requesting a parley, since a delegation was sent back with the two earls to Stirling to negotiate.¹³² Although the summonses for treason were continued (delayed to a future date), at this stage, Arran was evidently not hopeful: he obtained a promise of continued support in case the negotiations should fail, and issued summons for musters two days hence, on 10 November.¹³³

Immediately following the two separate parliaments, on 18 November, a day of 'concordie et amicitie inter gubernatorem et primates regni' was held in Stirling, a trip which the *Diurnal* claims was arranged by the cardinal.¹³⁴ Arran's generous tip for the queen's minstrels confirms that he had met Guise, and the alms he distributed on his departure from the burgh may well have been donated as an outward symbol of their concord.¹³⁵ Arran's second parliament of the year, held on 12 December, presented an opportunity to display this 'concord' in a formal institutional setting. This met with a slightly larger sederunt than the November parliament, including Bothwell, Angus and George Douglas, who were present in order to dispute

¹²⁹ Libri Domicilii, 1544–6, NRS E31/13 ff. 11v–46; Sanderson, *Cardinal of Scotland*, p. 187.

¹³⁰ Merriman, *Rough Wooings*, p. 157; RPS, 1544/11/11. Date accessed: 7 February 2013.

¹³¹ Copy of the agreement made at Stirling, June 1543, TNA SP49/7 f. 76.

¹³² RPS, 1544/11/14. Date accessed: 7 February 2013.

¹³³ RPS, 1544/11/15. Date accessed: 23 January 2014; RPS, 1544/11/16. Date accessed: 23 January 2014.

¹³⁴ Libri Domicilii, 1544–6, NRS E31/13 f. 59; *Diurnal*, p. 36; 'concord and amity between the Govenor and the leading men of the kingdom'. A potential parallel can be drawn with James VI's better known 'love feast', for which see: Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), p. 4.

¹³⁵ Treasurer's accounts, 1543–6, NRS E21/41 f. 107.

their summons for treason. Interestingly, Bothwell's immediate attempt to secure his rights as admiral from the incursions of the Session might partially explain his alienation from Arran's regime.¹³⁶ In any event, this meeting signalled the return of Arran's most serious rivals to the fold, and he remained sole governor. The impressive victory which Arran and Angus achieved at Ancrum Moor the following February doubtless consolidated the governor's position.¹³⁷

Guise's ultimately unsuccessful attempt to depose Arran was founded on and foiled by the use of parliament or conventions and, concomitantly, the idea that the political community exerted a degree of choice over the terms of his regency. Whether her failure reflects a deep seated belief in Arran's legitimacy as regent on the grounds of his place in the succession, or a preference for his regency over hers, is likely to remain obscure. Clearly, in 1544 neither party was able to garner enough support to win outright, and a pragmatic need for 'guid amite, unite and concord amangis all the liegis of this realm, swa that thai ... may be the starkare to resist oure auld inymeis of England and thevis and tratoris of the realm' eventually won out.¹³⁸ In contrast, it is clear that by the Reformation Rebellion which spelt the end of Guise's regency support had been gathered for the idea that a cross-section of the political nation, comprising a reasonable proportion of those who attended the estates and, crucially, leading nobles with close blood relations to the monarch, could depose a regent. The critical role played by the religious rhetoric of a covenant with God and the articulation of Francophobic fears of conquest in galvanising this willingness to resist have been explored in detail and will not be rehearsed here.¹³⁹ However, it is also significant that the alternative government proposed by the Congregation emphasised both the idea of a Great Council and, crucially, Châtelherault's support for the venture as the next heir to the throne. Châtelherault's significance is demonstrated by the fact that it was he and his eldest son whom Guise particularly singled out for prosecution as traitors from amongst the rebels.¹⁴⁰ The amount of anxiety generated by Châtelherault's support of the rebellion is powerful testimony to the continued strength of the connection between succession and regency.

Like those appertaining to his grandfather, the official records of James VI's assumption of power in March 1578 entirely omitted reference to his

¹³⁶ RPS, 1544/11/28. Date accessed: 27 July 2013.

¹³⁷ For Ancrum Moor: Herries, *Historical Memoirs*, p. 12; Merriman, *Rough Wooings* p. 359; R. Campbell–Patterson, *My wound is deep: a history of the later Anglo–Scots wars 1380–1560* (Edinburgh, 1997), pp. 182–4.

¹³⁸ RPS, 1544/11/14. Date accessed: 27 July 2013.

¹³⁹ Roger Mason, 'Usable Pasts: History and Identity in Reformation Scotland', *SHR* 76 (1997), pp. 54–68; Ritchie, *Mary of Guise*, pp. 210–11, 228, 239; Roger Mason, 'Covenant and Commonweal: the Language of Politics in Reformation Scotland', in Norman Macdougall (ed.), *Church, Politics and Society: Scotland 1408–1929* (Edinburgh, 1983), pp. 97–126.

¹⁴⁰ Ritchie, *Mary of Guise*, p. 231–8.

age. Rather, Morton's demission was portrayed as a voluntary acceptance of the fact that he was reviled by many of his fellow Scots to the point where his ability to provide stability was compromised. In a rhetorical set-piece, the assembled company and James each asked the other to declare their opinions, before concluding that 'althocht panefull' James should accept responsibility for government.¹⁴¹ For both Albany and Morton, the implication was that once a monarch had declared himself willing to govern this was sufficient to persuade the estates that they were able to act with complete authority in terminating a regency. Evidently the claim that a monarch was henceforth ruling in person held more rhetorical weight than the simple selection of an alternative regent and thus served to bolster the legitimacy of a new regime. The significance of the role of the estates in attempts to change a regent, or in confirming a claim that the monarch had attained full age, cannot easily be squared with the prevalence of notions of regency as an office linked to the royal succession or, indeed, of regency as an office conferred by monarchical delegation. Whilst notions of elective regency were first clearly articulated in 1568, they had developed out of a context of tensions and contradictions between the theory of how regents gained office and the reality of how they lost it.

By contrast, Châtelherault's demission of the regency in 1554 was justified by a tortuous explanation that Mary had attained full age following her eleventh birthday in December 1553. Given that her father and son were declared capable of ruling aged twelve and eleven respectively, this was not a particularly unusual age for a Stewart to claim (however tenuously) that she intended to commence personal rule. The timing of Mary's attainment of 'adulthood' was rooted in the complexity of European politics; since France was prosecuting an aggressive foreign policy towards both Hapsburgs and Tudors, Henri II sought to bind Scotland more closely to France in order to secure dynastic and territorial objectives.¹⁴² Châtelherault's acquiescence to the project has usually been dismissed as evidence of his weakness of character, lack of political ability and greed.¹⁴³ The derisory tone of comments such as he was 'ousted from his post by a woman', whilst neatly reflective of early modern misogynist mores, clearly serve to perpetuate the perception that Châtelherault was entirely without support by early 1554.¹⁴⁴ However, the Act against 'murmuris

¹⁴¹ RPS, A1578/3/2. Date accessed: 28 July 2013.

¹⁴² Ritchie, *Mary of Guise*, pp. 91–100; Elizabeth Bonner, 'The Politique of Henri II: De Facto French Rule in Scotland, 1550–1554', *Journal of the Sydney Society for Scottish History* 7 (1999), pp. 6–8.

¹⁴³ The typical approach is summarised in: Merriman, *Rough Wooings*, p. 89. For Merriman's more sympathetic approach to the governor see also: Marcus Merriman, 'Hamilton, James, second earl of Arran, and duke of Châtelherault in the French nobility (c.1519–1575)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/12081>, accessed 18 May 2014]. Gordon Donaldson, *Scotland, James V–James VII* (Edinburgh, 1965), p. 83.

¹⁴⁴ Merriman, *Rough Wooings*, p. 89.

and sclanders, speiking aganis the quenis grace and sawing evill brute anent the Maist Christin King of Frances subjectis send in this realme' passed by parliament less than a year after Guise took the regency provides evidence for discontent with her rule, even if it does not imply support for Châtelherault.¹⁴⁵ In this context, Châtelherault's demission of power should be seen as a process of active negotiation between two parties, not the 'inevitable' failure of a weak ruler who eventually succumbed to bribery.¹⁴⁶

On 12 December 1553 Henri wrote to Châtelherault confirming Mary, Queen of Scots', attainment of her majority and informing him of Mary's decision to appoint her mother as regent.¹⁴⁷ Taken out of context, this could be read as evidence that the governor simply acquiesced to Henri's request, however, this letter was in fact part of a process of negotiation to secure the exact terms under which Châtelherault left office. In December 1553, the French ambassador to England, Noailles, reported 'que ledict Gouverneur faisoit bonne mine et bonne chere avec la Roynie Douairiere, mais qu'il sçavoit bien qu'il estoit conseillé par l'archevesque de St André'.¹⁴⁸ Châtelherault's pragmatic approach to politics had always been influenced by family concerns and the counsel of relatives, and this instance was no different. Whilst the handover negotiations were relatively amicable, Noailles explained that Châtelherault pressed his claim to retain control of Edinburgh and Dumbarton castles because, 'il est le plus prochain successeur a la Couronne d'Escosse apres la Roynie sa maistresse', a fact which gave him a preeminent claim to these significant military bases.¹⁴⁹ This point was partially conceded, and Châtelherault resigned Edinburgh but retained control of Dumbarton.¹⁵⁰ Given the traditional association between Châtelherault's great dynastic rivals, the earls of Lennox, and Dumbarton, this was a considerable coup. The transfer settlement was reached during two days of negotiations at a convention held at Stirling in February, with final confirmation waiting until parliament met in April.¹⁵¹

The practicalities associated with the negotiations surrounding the handover of power were preceded by a frantic search by the French for theoretical justification for a change of regent. This rested on an attempt to claim that Mary had attained 'full age' despite the fact that she had not yet attained the age of majority for girls in Roman law of twelve years complete, let alone

¹⁴⁵ RPS, A1555/6/40. Date accessed: 7 February 2013.

¹⁴⁶ Jenny Wormald, *Mary, Queen of Scots: A Study in Failure* (London, 1988), p. 83; Ritchie, *Mary of Guise*, pp. 93–4.

¹⁴⁷ Henri II to Châtelherault, 12 Dec. 1553, NLS Adv 33.1.9 f. 4r.

¹⁴⁸ Noailles to Constable, 23 Dec. 1553, Paris, Archives Etrangers [AE] CPA 12 f. 253. 'that the said Governor maintains a good [public] face and good cheer with the Queen Dowager, but it is well known that he is counselled by the Archbishop of St Andrews[Châtelherault's half-brother, John Hamilton]'.

¹⁴⁹ Noailles to Constable, 23 Dec. 1553, AE CPA 12 ff. 253–4. 'he is the closest successor to the Crown of Scotland after the Queen his mistress'.

¹⁵⁰ Articles between Guise and Châtelherault, 19 Feb 1554, ADC p. 631.

¹⁵¹ Bond to Châtelherault from the Lords, 20 Feb 1554, ADC pp. 629–30; Articles between Guise and Châtelherault, 19 Feb 1554, ADC p. 631.

eighteen or twenty-one. Although, as outlined at the start of this chapter, evidence for subscription to the theory of the king's two bodies only emerges in a clear form in Scotland in the writings of James VI, in the context of the French input surrounding Mary's majority, this understanding of monarchy proved significant.¹⁵² Its presence can likewise be seen in early modern French debates surrounding regency, which combined a consensus that the monarch came of age on their fifteenth birthday with a range of positions surrounding the extent of monarchical powers, and the extent of their need for assistance in ruling, prior to this age.¹⁵³

In order to justify Châtelherault's demission of the regency, in December 1553, Henri turned to the *parlement* of Paris, requesting proof 'que le Gouuernement et administration dudit Royaume soit a present expiré sans attendre la perfection de douze ans'.¹⁵⁴ The *parlement* concluded 'que sans attendre la fui et perfection de douze ans la ditte Reyne d'Escosse peut entrer en l'administration de son Royaume', aided by counsellors appointed 'selon le bon plaisir du Roy'.¹⁵⁵ A plethora of supporting precedents was cited to prove that, in hereditary monarchies, from the moment the monarch attained the throne they entered full possession of their monarchical powers. Accordingly, a newly crowned monarch's age was immaterial.¹⁵⁶ The *parlement* thus employed the concept of the monarch's two bodies to demonstrate that monarchical minority never really existed; therefore, any commissions predicated upon this position were invalid. All monarchs, including Mary, 'ont par la prudence diuine un ange et Esprit de Dieu Protecteur et deffenseur des Roys, et de leurs Royaumes'; hence, Mary, like other monarchs, had always possessed her full powers, and was able to delegate them to anyone she chose, at any point she wished.¹⁵⁷

¹⁵² Kantorowicz, *King's Two Bodies*, pp. 378–9.

¹⁵³ For an example of the 1560 debates see: Jean du Tillet, *Pour la Maiorite dv Roy Treschrestien, contre les escrits des rebelles* (Tours, 1560), sig. ciiiiv; For an overview of these practices see: Pierre Dupuy, *Traite de la Majorite de nos Rois et Des Régnces du Royaume avec Les preuves tirées, tant du Tresor des Chartes du Roi, que des Registres du Parlement, & autres lieux* (Rouen, 1722), pp. 1–9; For the 1651 debates see for example, Anon., *L'entree dv Roy dans son Parlement pour la Declaration de sa Maiorite* (Paris, Nicolas Iacquard, 1651), sig. 9. Most of the extant tracts commenting upon this event are bound together in a volume in the Bibliothèque nationale, 'Arsenal' site: Arsenal 8-H-7715.

¹⁵⁴ 'Ce qui a esté advisé par les principaux Officiers de la Cour de Parlement sur le fait de l'administration du Royaume d'Escosse, pendant la minorité de la Reyne d'Escosse', Dec. 1553, NLS Adv.35.1.5 f. 216r. 'that the Government and administration of the said Kingdom are now expired without waiting for the completion of twelve years'.

¹⁵⁵ 'Ce qui a esté advisé ... sur le fait de l'administration du Royaume d'Escosse', Dec. 1553, NLS Adv.35.1.5, f. 216v. 'that without waiting for the completion and perfection of twelve years the said Queen of Scots can enter into the administration of her Kingdom' ... 'according to the good pleasure of the King'.

¹⁵⁶ 'Ce qui a esté advisé ... sur le fait de l'administration du Royaume d'Escosse', Dec. 1553, NLS, Adv.35.1.5 ff. 217v.–218r.

¹⁵⁷ 'Ce qui a esté advisé ... sur le fait de l'administration du Royaume d'Escosse', Dec. 1553, NLS, Adv. 35.1.5 f. 218r. 'have by divine wisdom, an angel and spirit of God,

Despite this carefully constructed fiction based on French understandings of monarchy, the Scots believed that Châtelherault had demitted his office 'or [before] the pupillar aige of oure said soverane lady be perfytit and completit, nochtwithstanding that the said tutorie and admynistratioun ... pertenis and suld pertain to the said noble prince during oure said soveranis pupillar aige foirsaid'.¹⁵⁸ This passage from the bond made by most of the significant members of the Scottish political community confirming Châtelherault's demission from office demonstrates that his discharge was not simply for having used crown resources during his regency, which he had enjoyed every legal right to do, but also for having broken the terms of his regency by departing from office before Mary obtained full age. However, it also shows that the trouble Henri took to obtain a theoretical justification for a transfer of power on the grounds of Mary's early assumption of majority was, in the event, not cited by the Scots as the basis for the power transfer. The apparent lack of interest amongst the Scots in providing a coherent theoretical explanation for the premature end of Châtelherault's regency was reflected in that in 1524 and 1578 both James V and James VI were simply declared to be capable of ruling. Whilst Albany and Morton doubtless grumbled, there is no evidence for any widespread accompanying theoretical angst. Indeed, this theoretical concern seems to have been unusually French. Although James' majority was only grudgingly accepted by Elizabeth, for example, she made no attempt to challenge or reverse the situation. Her instructions to her envoy, Nicholas Errington, expressed her belief that the king 'showde be of more yeres than yet he is, being not yet xiiij'. However, Errington was forbidden from mentioning this objection to James VI, indicating that it should only be discussed with Morton or the privy council, 'for it seemeth not convenient to alleage any thinge to the king to the preiudice of thauthoritie of his gouernment though he hath taken yt upon him before his aige of majoritie'.¹⁵⁹

Several broad similarities exist amongst the declarations of monarchical majority of James V, Mary and James VI. In all cases, broader international circumstances prompted a group opposed to the incumbent regent to ignore strict convention and issue a declaration of monarchical competence to rule, for which they obtained endorsement in parliament. What marks Mary's case out as unusual was not the fact she had not attained 'full age' (in fact, she was closer to attaining full age under Roman law than either James V or James VI), but the fact that theoretical justification was considered necessary to explain her early assumption of power. This search for theoretical backing may reveal a relative perceived weakness in Guise's position in

defender and protector of kings, and their kingdoms'. The ecclesiastical historian David Calderwood's assertion that Guise argued monarch's ages should be calculated to include the time spent in their mother's womb is not repeated in other sources, and was therefore probably not a prominent aspect of the debates. David Calderwood, *The History of the Kirk in Scotland*, eds T. Thomson and D. Laing (8 vols, Edinburgh, 1842–9), I, p. 278.

¹⁵⁸ RPS, A1554/4/3. Date accessed: 4 August 2013.

¹⁵⁹ Instructions to Nicholas Errington, Nov. 1572, TNA SP 52/27 f. 172.

1554 compared with Margaret in 1524 or Argyll and Atholl in 1578. Perhaps this need for theoretical justification was an example of alternative French understandings of how regency functioned; alternatively, perhaps Guise simply remembered the failed coup of 1544 and was determined not to repeat the experience. In any event, the Scots still considered that Mary had not achieved full age – again, a parallel can be drawn with the gradual and grudging acceptance of the majorities of her father and son. However, in Mary's case, the significance of her twelfth birthday is underscored by the fact that it was only after this date that Guise felt secure enough to issue an Act of Revocation on her daughter's behalf. This peculiarly Scottish practice is worthy of further attention.

Monarchical Acts of Revocation

Having achieved their majority, Scottish monarchs had one significant opportunity to reverse decisions made during their minorities. The acts of revocation which Scottish monarchs issued at the age of twenty-five provided the crown with a chance to rescind grants of goods and land made between their accession and the day of the revocation, encompassing grants issued by both the monarch and regent alike. According to the 1540 parliamentary confirmation of James V's revocation (made in 1537), this tradition was informed by both canon law and the statutory laws of Scotland.¹⁶⁰ These systems may have adopted the practice from Roman law, under which the praetor was able to 'reverse the effects of transactions where it appeared that advantage had been taken of the youth's inexperience'.¹⁶¹ The practice undoubtedly underscores the extent of the Stewart monarchy's powers and would have constituted a powerful statement of monarchical authority.¹⁶² Nevertheless, this needs to be balanced against the reality of the fact that regents made grants of land throughout the century and that it is hard to identify that many of these were overturned when a monarch attained full age. The historian and judge David Chalmers of Ormond's belief that 'The gouvernor ma dispone upone na landis yt pertenis or fallis to ye auchtarie during his office' simply did not reflect the reality of land transactions during sixteenth-century royal minorities.¹⁶³ Chalmers quoted a statute passed during James I's captivity in England, but there is no evidence that it was ever in fact invoked to dispute a regent's gift of land.¹⁶⁴ As we saw in the introduction, Moray's commission

¹⁶⁰ RPS, 1540/12/10. Date accessed: 18 May 2014.

¹⁶¹ Stein, *Roman Law in European History*, p. 12.

¹⁶² Jenny Wormald, *Court, Kirk, and Community. Scotland 1470–1625* (Edinburgh, 1981), pp. 10–11.

¹⁶³ David Chalmers, 'Dictionary of Scots Law', 1566, BL Add. Ms 27472 f.169v.

¹⁶⁴ RPS, 1431/10/5. Date accessed: 26 July 2013. Chalmers (BL Add. MS 27472 f.169v) does not note that the statute does permit the gifting of escheated estates of bastards during a royal minority, nor does he comment whether the protocol extended to lands

of regency specifically outlined his powers to both give and receive property on behalf of James VI.¹⁶⁵

Whilst revocations provided a striking display of monarchical strength they cannot be so easily read as evidence for the weakness of their regents. As Macdougall observed regarding James IV's revocation, although 'it was technically possible' for all acts since his accession to be cancelled, 'In practice, it would have been impossible – and political madness – for King James to revoke all minority grants'.¹⁶⁶ James V's act of revocation took place in April 1537, close to his twenty-fifth birthday, whilst he was in Paris for his marriage to his first wife Madeleine, daughter of François I.¹⁶⁷ His revocation may even have been prompted by this event. Both James IV and James V charged their subjects composition fees on their re-entry to lands, thus turning the revocation into an opportunity to raise income.¹⁶⁸ Thus, James V extracted 10,000 merks from Patrick, Lord Gray, in order that he could re-enter lands which had been granted to him by Albany.¹⁶⁹ However, the fact remains that Albany granted the lands and the parties involved in this and other minority land grants accepted a regent's authority to do so.¹⁷⁰ Equally, James revoked grants which he had issued after asserting his ability to rule independently. In 1538, for instance, James revoked a grant made to his half-brother the earl of Moray in September 1524 of a tack of Ross and Ardmanach, on the grounds that parliamentary permission was necessary to alienate annexed lands.¹⁷¹ Stewart monarchs did not need the excuse of a minority to recall gifts of property from their subjects.

For Mary and James VI, the 'bite' of the revocation was dulled by the practice of granting substantial exemptions in advance of the act itself. Mary's first act of revocation took place on 25 April 1555 and was presented in parliament on 20 June, responsibility for its administration thus fell to Guise.¹⁷² The total gained by the crown for payments for charters increased from £187 6s 8d for the six months between April 1554 and October 1554 to £901 6s 8d for the subsequent year.¹⁷³ This was the equivalent of the annual revenue accrued from charters more than doubling, therefore, it seems plausible that Guise was either granting or confirming an increased number of charters. Unfortunately, the opening folios of the immediately subsequent accounts

which were part of the crown patrimony at the child monarch's accession. Presumably these were considered to be equally off-limits for gifting.

¹⁶⁵ RPS, 1567/7/29/2. Date accessed: 12 July 2013.

¹⁶⁶ Norman MacDougall, *James IV* (Edinburgh, 1989), pp. 102, 151.

¹⁶⁷ RPS 1540/12/10; Andrea Thomas, *Princelie Majestie: the Court of James V of Scotland, 1528–1542* (Edinburgh, 2005), p. 11.

¹⁶⁸ MacDougall, *James IV*, pp. 151–2; Cameron, *James V*, pp. 257–8. For claims that James V pioneered composition fees see: Wormald, *Court, Kirk, and Community*, pp. 10–11.

¹⁶⁹ RMS, III, no. 259; Cameron, *James V*, pp. 277–8.

¹⁷⁰ For another example see: RMS, III, no. 1671.

¹⁷¹ Cameron, *James V*, p. 272; ADC, p. 469.

¹⁷² Balfour, *Practicks*, I, pp. 11–13; RPS, A1555/6/42. Date accessed: 4 July 2013.

¹⁷³ Treasurer's Account, 1554, E21/46 f.3; Treasurer's Account, 1554–5, NRS, E21/47 f. 7.

are damaged so this cannot be further contextualised.¹⁷⁴ Nevertheless, the revocation may have been an attempt to provide legal justification for Guise's future actions, or simply an exercise in legitimisation by providing a reminder that Mary was of full age in Roman law, rather than functioning as an immediate cash-raising exercise.

Mary was on the point of issuing a second act of revocation just prior to her deposition in 1567. In preparation, therefore, the final parliament of her personal rule witnessed swathes of ratifications of grants. These included confirmations of five earldoms; Mar, Moray, Morton, Angus and Rothes.¹⁷⁵ The confirmation of the grant of the earldom of Moray highlighted the fact that the grant was made after the queen had reached her full age of twenty-one as justification for its validity, demonstrating the complicated interplay of ideas concerning the point at which a monarch could be considered to reach 'full age'.¹⁷⁶ Nevertheless, since Arran had restored the earldom of Angus following its forfeiture during James V's majority, the process also demonstrates that grants made during a minority were not automatically at threat under the succeeding monarchical majority.¹⁷⁷ The ratification of the earldom of Rothes specifically included not only rights and lands granted by Mary but also those granted by 'hir tutour governour or moder regent of this realme for the tyme'.¹⁷⁸ In the context of these exemptions, suggestions that fear of Mary's forthcoming revocation motivated those who sought her deposition appear implausible: Mar, Moray and Morton were all key members of the putsch, and yet none had anything to fear from the revocation.¹⁷⁹ Claims that Moray and his supporters were motivated by greed and fear of the act of revocation only emerged briefly in 1568 at a point during the York-Westminster conference when Mary's commissioners were already on the defensive.¹⁸⁰ As such, they fit neatly into a broader Queen's Party campaign to tarnish their opponents' reputations, rather than reflecting the reality of motives in 1567.

James VI made three revocations, the first of which took place in 1575. Although not formally described as a 'revocation', a substantial recall of crown lands was proposed under Morton's auspices, justified on the ground of the crown's financial problems and previous parliamentary provisions that

¹⁷⁴ One example certainly appears to be a regrant of a charter originally issued by Arran: RSS, III, 2862; RSS, IV, 3007.

¹⁷⁵ Mar: RPS 1567/4/7. Date accessed: 18 May 2014; Moray: RPS 1567/4/14. Date accessed: 18 May 2014; Morton: RPS 1567/4/23 Date accessed: 18 May 2014; Angus: RPS 1567/4/24. Date accessed: 18 May 2014; Rothes RPS 1567/4/22. Date accessed: 18 May 2014.

¹⁷⁶ RPS 1567/4/14. Date accessed: 18 May 2014.

¹⁷⁷ RPS, 1543/3/29. Date accessed: 18 June 2013.

¹⁷⁸ RPS, 1567/4/22. Date accessed: 17 February 2013.

¹⁷⁹ Gordon Donaldson, *Scotland: James V to James VII* (Edinburgh, 1965), p. 125.

¹⁸⁰ Memorial of Transactions at Westminster, 25 Nov.–1 Dec. 1568, TNA SP 53/2 f. 120r.

'the landis, castellis and rentis annex to the croun may not be gevin in fe and heretage away in franktenement to ony persoun, of quhatsumevir estate or degre that evir he be, but avise, deliverance and decreit of the haill parliament'.¹⁸¹ A general act of revocation, accompanied by substantial exemptions, was made on 29 July 1587, the month after James' twenty-first birthday. As James was younger than was usual for general revocations, the text of this act reinterpreted the general revocation as an event which could take place at any point prior to the monarch's twenty-fifth birthday, declaring that James had 'lately past our said perfect age of 21 years and a large space within our age of 25 years, during the which the remedy of our revocation is competent to us'.¹⁸² A further act of revocation was issued in Falkland on 17 July 1591, just after his twenty-fifth birthday; both revocations were confirmed in parliament on 5 June 1592.¹⁸³ These multiple revocations should be seen in the context of a series of exemptions and smaller-scale revocations enacted at various points. In 1581, a revocation of grants made from crown property, feudal casualties (wardships or marriages of heirs) and income accrued from the crown's portion of the thirds of benefices included a number of exemptions, largely protecting those who had acquired lands from the escheat of Morton's estates, in addition to which separate ratifications of land grants were issued.¹⁸⁴ It is possible a further revocation was anticipated in December 1582, since the countess of Mar requested an exemption on the grounds of her long service.¹⁸⁵

In November 1583, a further revocation of acts during James VI's minority was issued, both the revocation itself and many of the exemptions it contained were confirmed the following May.¹⁸⁶ The May revocation was, in turn, further confirmed by the August parliament, accompanied by several ratifications of grants, including one to James' favourite, James Stewart, earl of Arran.¹⁸⁷ Nevertheless, the inefficacy of these revocations as a money making exercise was revealed by December 1585 when the precarious finances of the royal household provoked an attempt to regain all 'of the rentis of his propirtie annexit and pertening to his croun in the dayis of his dearest guidschir, King James the Fyft of worthy memorie, or in ony tyme bigane preceeding the dait

¹⁸¹ Goodare, *State and Society*, p. 107. RPS, A1575/3/8. Date accessed: 26 July 2013.

¹⁸² RPS A1587/7/24. Date accessed: 18 May 2014.

¹⁸³ RPS A1592/4/51. Date accessed: 18 May 2014.

¹⁸⁴ RPS, 1581/10/87. Date accessed: 28 July 2013; RPS, 1581/10/92. Date accessed: 28 July 2013.

¹⁸⁵ Lady Mar to James VI, 15 Dec. 1582, NRS GD124/15/16.

¹⁸⁶ RPS, 1584/5/32. Date accessed: 14 February 2013.

¹⁸⁷ RPS, 1584/5/94. Date accessed: 14 February 2013; RPS, 1584/5/95. Date accessed: 14 February 2013; RPS, 1584/5/96. Date accessed: 14 February 2013; RPS, 1584/5/101. Date accessed: 14 February 2013; RPS, 1584/5/105. Date accessed: 14 February 2013; RPS, 1584/5/109. Date accessed: 14 February 2013; RPS, 1584/5/110. Date accessed: 14 February 2013; RPS, 1584/5/111. Date accessed: 14 February 2013; RPS, 1584/5/113. Date accessed: 14 February 2013.

heirof'.¹⁸⁸ Even this apparently all-encompassing act, which extended the date of the grants to be revoked beyond the usual term of the incumbent monarch's minority, contained three exceptions. Monarchical revocations would repay a longer study in their own right, but even this brief overview reveals the complexity which surrounded them and the fact that the possible impact of a future revocation had limited, if any, impact on regents' actions during minorities. A regent's grant was no guarantee of eternal enjoyment of lands; equally, a monarch was perfectly capable of extracting lands from their subjects which they had earlier gifted – with or without an act of revocation.

Conclusions

The very idea of monarchical acts of revocation underscores the extent of regents' powers to utilise, or, to use the sixteenth-century phrase, to 'intromit' with, the crown's lands. Nonetheless, it also points to the fact that, despite the development of a range of ways to legitimise regency and the variety of forums in which this legitimisation was articulated, regents faced constraints in exercising their extensive powers. Albany bartered with the estates or council to secure terms for his visits abroad, and eventually was ejected from the regency without reference to those conditions; although they were marshalled to provide extra justification after the fact. Châtelherault renounced office under diplomatic pressure before Mary was twelve years old. Guise died during a rebellion founded upon the idea that she had forfeited legitimate authority. Morton had to collude in his abdication as regent because he was so widely disliked. Contemporaries clearly considered that selecting an appropriate regent, and proclaiming this individual as legitimate, was significant; otherwise they would not have devoted time and attention to doing so. However, the importance ascribed to this activity varied both within and amongst regencies. Furthermore, in facing a range of practical constraints, regents were no different from the adult Stewarts, and, indeed, rulers throughout Europe. Perhaps the most significant amongst these constraints was the necessity of encouraging the governed to participate in government: a failure to secure this lay behind the ejections from office cited above. It also lies behind the open defiance of Margaret's will in council and, more dramatically, in the assassinations of Moray and Lennox. At an even more basic level, the consent of the governed was necessary for regents, and all rulers, to ensure that they had sufficient resources to fulfil their duties. The next four chapters examine the more practical aspects of rule, starting with the perennial problem of money.

¹⁸⁸ RPS, 1585/12/30. Date accessed: 14 February 2013.

Regency Finances

The sixteenth-century Scottish crown, like its European counterparts, was semi-permanently broke. Standard historiographical wisdom has it that, with the exceptions of the personal rules of James V and Mary, the crown limped and lurched from financial crisis to financial crisis throughout the sixteenth century until James VI finally took the court south, when he left a number of ruined former officials and an overall sigh of relief in his financially reckless wake.¹ Minorities in general, and individual regents specifically, have been regarded as a contributing factor to the crown's financial woes. Albany's regency has been characterised as 'an expensive luxury', Arran has been criticised for his 'extravagance', whilst Morton's embezzlement of crown funds has been frequently reviled.² Regents, apparently, were a wicked breed when it came to money: at best powerless to prevent spiralling financial problems, perhaps simply indifferent to the consequences, or, at worst, actively cheating the crown for their own gain. The polemical strength of such arguments is demonstrated by Lennox's outraged allegations that Arran had 'prodigalmen' disbursed 'tous les biens meubles du sieur Roy Qui estoit en valeur de plus de Troye cens mil liuvres'.³ The fact that Arran

¹ Steve Boardman, 'Royal Finance and Regional Rebellion', in Julian Goodare and Alasdair MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 15–42; Julian Goodare, *State and Society in Early-Modern Scotland* (Oxford, 1999), pp. 103–9; A. L. Murray, 'The Comptroller, 1425–1610' (unpublished winner of the David Berry Prize, 1970), NRS G.A.355.93, pp. 36–7. See also: A. L. Murray, 'Financing the Royal Household: James V and his Comptrollers, 1513–1543', in I. B. Cowan and D. Shaw (eds), *The Renaissance and Reformation in Scotland: Essays in Honour of Gordon Donaldson* (Edinburgh, 1983), pp. 41–59; A. L. Murray, 'Introduction' to TA XII; A. L. Murray, 'The Procedure of the Scottish Exchequer in the Early Sixteenth Century', *SHR* 40 (1961), pp. 89–117.

² Marie Stuart, *The Scot who was a Frenchman: being the life of John Stewart, Duke of Albany in Scotland, France and Italy* (London, 1940), p. 68; D. M. Walker, *A Legal History of Scotland* (7 vols, Edinburgh, 1995), III, p. 143; Pamela Ritchie, *Mary of Guise in Scotland, 1548–1560: a Political Career* (East Linton, 2004), p. 134, n. 40; Julian Goodare and Michael Lynch, 'James VI: Universal King?' in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), pp. 1–32, at p. 10.

³ 'Discours des affaires Au Royaume descosse depuys ce Jour', 24 November 1543, Paris, Bibliothèque Nationale [BN], fonds français 17890 f. 29v. A second, draft, copy is extant, from which the date has been taken: BN fonds français 17330 f. 1. 'prodigally'... 'all the moveable goods of the King, which were in value over 300,000 pounds'.

was unlikely to have actually disposed of £300,000 in goods or cash, either in pounds Scots or livres tournois, between assuming the governorship on 3 January and Lennox's arrival in March 1543 is immaterial to the force of this accusation: his alleged financial mismanagement ranked in seriousness alongside accusations of heresy and bastardy in this attempt to effect his ejection from power.

Such claims ought not to be swallowed whole. As we saw in chapter one, when alternative candidates for the regency were discussed in 1574, their personal wealth ranked as an important consideration alongside their religion and ability to secure political consensus in determining their suitability for office. This reflects the fact that by the 1570s it had become expected that regents would partially bankroll the crown during their rules, although since regents' private accounts are no longer extant, the full extent of this practice is unknown. It is, however, clear that Marie de Guise employed her personal funds as dowager duchess of Longueville and dowager queen of Scots to support crown expenses including Mary, Queen of Scots' French household.⁴ Likewise, Moray personally contributed to crown finances during his regency, pawning his own plate and securing private loans.⁵ This provided the background to a major political dispute during Morton's rule, when Moray's widow, Annas Keith, refused to return royal jewels in her possession, arguing that these constituted security for unpaid debts which Moray had 'contractit in the kingis maiesteis his soveranis seruice alsweill in this realme as in vther cuntreis'.⁶ In March 1575 when Annas returned the jewels, parliament recognised that during Moray's regency, 'the rentis of the croun wer not weill payit, and yit the charge greit and sumptuous'.⁷ As a consequence, 'the said umquhile lord regent not onelie spendit his awin leving and gudis, sauld and wedset sindry portionis of his heretage, bot alsua contractit greit dett, alsweill within this realme as outwith the same in foreyn cuntreis, besyde the spending of his awin lyff'.⁸ Accordingly, the chancellor and others of the privy council were deputed to consider the matter of Moray's debts. Sadly, there is no extant evidence of their conclusions in the records of either the privy council or parliament. Having complained of Arran's prodigality thirty years before, Moray's successor, Lennox, eventually mortgaged his own lands in the king's service. His family's struggle to regain these continued after his death.⁹ Whilst these examples of financial support for the crown by regents are comparatively well known, more obscure donations can also be located.

⁴ Ritchie, *Mary of Guise*, p. 135.

⁵ Claire Webb, 'The "Gude Regent"?: a Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots and the Scottish Regency, 1567–1570' (Ph.D. thesis, University of St Andrews, 2008), p. 67.

⁶ Annas Keith to Leicester, Moray Archive, NRSA 217, box 15 no. 789.

⁷ It is worth noting that 'sumptuous' appears to be used in the now largely obsolete sense of 'substantial' or 'exorbitant' rather than 'luxurious'.

⁸ RPS, A1575/3/3. Date accessed: 14 August 2013.

⁹ Elizabeth to Mar, 24 Nov. 1571, TNA SP52/21 f.211.

Despite his reputation for expensive tastes, for example, Albany also paid public expenses: in 1522, it was agreed that the expenses of James V's guard would 'be furnist be my Lord gouvernors coffres'.¹⁰ More surprisingly still in the light of Lennox's accusations about Arran's spending, the treasurer's account covering the period 1543–46 records a total sum of £4,400, 'receptis ad domino gubernatore et aliis ejus nominis', presumably in support of the war effort.¹¹

As these anecdotal examples suggest, there is scope to modify accounts of regents' financial corruption or negligence. Evidently, this is best achieved through an examination of the extant financial records. It must be acknowledged at the outset, however, that this will not produce a complete picture of government finances. Such a complete picture is impossible to recover, for whilst many of the crown's financial records are extant there are substantial gaps. The most significant officials active throughout this period were the treasurer and the comptroller. The treasurer had responsibility for 'extraordinary' expenditure, in essence, this comprised anything which was not directly related to household costs, and his income was drawn from sources whose profits varied from year to year. These included the vice-comitibus (sheriffs), confirmation of charters, the sale of the wardship and marriages of heirs to estates (otherwise known as feudal casualties or simply the casualty), the proceeds of escheated goods (goods of rebels or criminals who had lost their possessions as part of their punishment), the fines inflicted by the ayres and Justiciary Court, and the 'cona' (profits of coining money). Although the treasurer sometimes oversaw the administration of taxes, and they sometimes appear in his accounts, income accrued from this source did not automatically devolve upon the treasurer. Rather, each tax was 'a one-off event' and a special official was appointed to collect and account for each tax in the exchequer.¹² Very few of the separate accounts appertaining to taxes survive; whilst it is therefore easy enough to discover how much tax parliament granted an individual ruler and for what purpose the money was intended, it is harder to ascertain how much of any given tax was actually collected or the details of how it was spent. Due to the survival of so many of the treasurer's records, the relative lack of financial analysis of these documents to date, and the fact that the treasurer retained his importance as a financial official throughout the century, his finances occupy the bulk of this chapter. We will first consider the treasurer's income and expenditure in broad terms, addressing in particular the circumstances surrounding his ever-increasing debts. We will then turn to a detailed

¹⁰ Ordinance for the keeping of James V by Lord Erskine, 3 Aug. 1522, NRS GD124/10/6 f. 3.

¹¹ Treasurer's Account, 1546–50, NRS E21/42 f.27v. 'received from the lord governor and others of his name'.

¹² Julian Goodare, 'Parliamentary Taxation in Scotland, 1560–1603', *SHR* 68 (1989), pp. 23–52, at p. 36.

breakdown of his expenditure, and address the issue of how purchasing patterns changed over time.

However, to consider only the treasurer's finances would give a partial picture of crown finance overall: the same would be true of considering any financial official in isolation. As such we will also consider the records of the comptroller, the official who had responsibility for 'ordinary' income and expenditure. In essence, this meant income from the crown's lands, the revenues of the customs, and, less significantly, payments due from the royal burghs; his expenditure largely entailed funding the royal household. The redistribution of church income and assets in the wake of the Reformation Rebellion of 1560 changed this picture by providing the crown with a much needed further source of income. The broad outline of the settlement entailed that the old church would retain two-thirds of the value of its lands, whilst the remaining third would be split between the crown and the new kirk.¹³ The records of the official with the unenviable responsibility for this money, the collector of the thirds of benefices, will also be considered.

Caveats and Complications

Before turning to these accounts, it is helpful to make some broad observations about minority finances. The first is that regents exerted full *de facto* control over crown financial affairs. They could grant lands, and, despite the custom of monarchical acts of revocation, it was far from automatic that the beneficiaries of regents' munificence would subsequently lose their property. Regents were able successfully to request parliament or the clergy to make grants of taxation, although they then faced the perennial problem of ensuring compliance in collection. Guise's attempt to impose a new assessment for taxation in 1556 famously floundered, but this was the exception rather than the rule: Albany, Arran, Moray and Morton were all granted taxes, as was Guise herself on other occasions.¹⁴ In 1556 opposition was primarily directed towards a new assessment of the value of land, which provided the basis for setting contributions to a given tax.¹⁵ Had such a reassessment taken place, it is certain that most, if not all, would have been faced with a higher tax bill.

¹³ Gordon Donaldson (ed.), *Accounts of the Collectors of Thirds of Benefices, 1561–1572* (Edinburgh, 1949), pp. i–xli.

¹⁴ Ritchie, *Mary of Guise*, pp. 135–9. For Albany: *Acta Dominorum Concilii*, 1515–16, NRS CS5/26 f.203v; *Acta Dominorum Concilii*, 1518, NRS CS5/31 10v. For Arran's taxes, see below, for Moray and Morton see Goodare, 'Parliamentary Taxation', p. 48. See also: Taxation for licences to be absent from the army summoned to meet at Dumfries, 1577, NRS E65/1. For Guise's successful taxes: Notes on Privy Council Register, 1554–9, NLS Adv. Mss 34.2.2 f.124r.

¹⁵ Goodare, 'Parliamentary Taxation', p. 23.

Having observed that regents enjoyed full financial power, it must also be recognised that they often did not have control over all the crown's lands, since on a male monarch's death a significant portion of these passed to his widow as her jointure. Keith Brown has observed that for a noble family the impact of one long-lived dowager countess could be devastating: the same risk appertained to royal finances.¹⁶ This is neatly illustrated by the fact that the settlement negotiated for James III's consort, Margaret, included 'one third of the royal revenues together with Linlithgow palace and Doune castle'.¹⁷ Since the dowager's revenues were gained from the income raised from crown lands, the comptroller, rather than the treasurer, would have borne the brunt of this large-scale, often long-term (albeit temporary) alienation of property. Margaret Tudor's jointure included the valuable lands of Ettrick Forrest, Stirlingshire and Linlithgowshire, a loss to the royal patrimony which substantially reduced crown income.¹⁸ Unfortunately, Margaret's lack of authority in the region meant that she too obtained relatively little profit from the area.¹⁹ Throughout James V's minority, the level of success which Albany or other lords enjoyed in procuring Margaret income from her jointure lands constituted a key factor in her willingness to participate in a given regime at any given time.²⁰ Margaret's inability to raise income from her own lands on occasion obliged the comptroller to provide her with additional household funds drawn from the royal estates, placing a further strain on royal finances.²¹ During Albany's absence in 1522 Margaret agreed on a temporary basis to exchange her conjunct fee for a fixed sum to be paid to her directly. This arrangement was quickly challenged by the earl of Angus, claiming that, as Margaret's husband, he rather than she had the rights to these lands.²² In 1524, again during Albany's absence, Margaret was offered £200 a month from the comptroller, in addition to any monies she accrued directly from her conjunct fee.²³ Albany's perceived efficacy as governor is underscored by the assumption here that on his return it would be easier for Margaret to obtain what was due to her.

Marie de Guise's jointure included the earldoms of Strathearn, Ross, Orkney, Fife, Galloway, Ardmanach and the Western Isles, which were some of the crown's most profitable lands.²⁴ Since Margaret was alive

¹⁶ Keith Brown, *Noble Society in Scotland: Wealth, Family and Culture from the Reformation to the Revolution* (Edinburgh, 2004), p. 73.

¹⁷ Norman Macdougall, *James III: a Political Study* (Edinburgh, 1982), p. 78.

¹⁸ ER, XIV, p. xxxiii.

¹⁹ John Finlay, 'Robert Galbraith and the Role of Queen's Advocate', *Juridical Review* (1999) pp. 277–90, espec. pp. 283–6; Craig Madden, 'Feuing Ettrick Forest', *Innes Review* 27 (1976) pp. 70–84.

²⁰ W. K. Emond, 'The Minority of King James V 1513–1528' (Ph.D. thesis, University of St. Andrews, 1988), pp. 39, 93, 121, 164–6, 198–9, 233, 289.

²¹ Emond, 'Minority of James V', p. 214; ER, XIV, p. 459.

²² Emond, 'Minority of James V', p. 217–19, 224–5.

²³ Emond, 'Minority of James V', p. 391.

²⁴ Ritchie, *Mary of Guise*, p. 14.

when Guise married James V her conjunct fee lands were not passed to her daughter-in-law. In 1542, Guise's lands provided £6,484 for the comptroller, including £1,576 from the Isles alone.²⁵ The comptroller's accounts do not survive for 1542, but this sum was evidently a significant proportion of his income, since it constituted 31 per cent of the total income paid to the comptroller in the extensive, albeit incomplete, extant records for that year. Even Guise acknowledged that the generous settlement provided for her created serious financial difficulties for the crown. Whilst seeking financial support for Scotland from France in October 1552, Guise and the French diplomat Henri Cleutin, Sieur D'Oysel, explained to Henri II that the Scottish royal lands were 'de petite valeur et speciallement estant en lestat quil est a present, ayant la Roynie douairera dudict pays vune partye dicelluy'.²⁶ Unsurprisingly, such a large fall in income adversely affected Arran's finances; conversely, the comptroller's more robust position at the start of Mary's personal rule (visible in Figures 2 and 3 below) is partly attributable to the return of Guise's jointure lands to the main royal patrimony. In Mary's first extant comptroller's account, for 1563, Guise's former jointure lands provided 48 per cent of the overall income received.²⁷ Despite this substantial loss to the comptroller, it must be recognised that at least in Guise's case, if not Margaret's, some of this lost income was disbursed for the crown's benefit. For instance, Guise had control of Stirling, and she therefore paid for its upkeep – this was in addition to her well known military provisioning during the Rough Wooings.²⁸ The fact that a second quasi-regal institution was in operation during Arran's regency may help to explain the relatively small size of his household, which we shall discuss in more detail presently. Guise's establishment doubtless provided an alternative focus for court life, and, potentially, for discontent. Nevertheless, it is notable that Albany and Arran, the two regents whose revenues were curtailed by a queen dowager and therefore faced a significant financial burden, have hitherto been decried as particularly extravagant and careless of crown finances. Since James VI's regents were not obliged to provide suitable financial support

²⁵ Bailies ad extra north of the Forth, 1542, NRS E38/419; Bailies ad extra south of the Forth, 1542, NRS E38/420. Murray has considered the crown's financial interest in Galloway during James V's reign in detail: A. L. Murray, 'The Crown Lands in Galloway, 1455–1543', *Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society* 37 (1960), pp. 9–25.

²⁶ 'Ce sont les articles que la Roynie douaire descosse et le Sieur de Cleutin pour le Roy aud pays ennoyeux pncement a sa mageste pnt linformer et Instruire de lestat en sont de pni' les affaires dud'escosse', 6 Oct. 1552, Paris, Archives Etrangers [AE], Angleterre Supplement 1, f. 67v. 'of little value, and especially in its present state, which is that the Queen dowager of the said country has one part'.

²⁷ Comptroller's Account, 1563 (rendered 1567), NRS E38/471. The total is based on the cash received from those lands as a percentage of the total cash income received, including profits from the sale of goods. If the sale of goods from former jointure properties were included, this would be even higher.

²⁸ Account for expenditure on Stirling Castle, March–April 1544, NLS Adv. 29.2.5 f. 9.

for a queen dowager, in this aspect of their finances they were more akin to adult monarchs than their predecessors.

Like her mother, Mary benefitted from the conjunct fee of her first marriage, specifically, her position as dowager queen of France. Although Mary encountered perennial difficulties in securing the monies she was owed, the sums she received may still have 'increased her gross annual revenue by perhaps 50%'.²⁹ The significance of the French jointures of Guise and Mary point to a further element in Scottish crown finance which assumed particular prominence during minorities: foreign income, often related to international conflict. This subject will be discussed in greater detail in chapter six, but it is worth noting here. Mary's French revenues demonstrate that this phenomenon was not unique to minorities since monarchs too took advantage of foreign cash. The dowries which Mary's father and son obtained with their wives, and James VI's erratically paid English pension, proved hugely significant for crown finances.³⁰ During minorities, however, the strain on domestic income and the intense military activities in Scotland rendered the financial support offered by foreign monarchs particularly significant. In the treasurer's account covering the period 1546–50, £4,070 was received from Marie de Guise and a further £1,300 from the French treasurer at Dunbar as a contribution to the war against the English.³¹

Before continuing it is important to highlight a number of technical points relating to the nature of the records and the calculations undertaken here. First, in order to facilitate meaningful comparisons over time, the effect of inflation needs to be addressed. This is particularly important since throughout the sixteenth century Scottish inflation far outstripped many of its European counterparts.³² Furthermore, a large proportion of crown income would not have increased with inflation due to the prevalence of feuing crown lands, which meant that lands were rented at a fixed rate set for a long period of time or even in perpetuity. This provided an instant cash boost, but ultimately ensured that, over time, the crown received rents which gradually dropped further and further below the land's market value.³³ Throughout this chapter, the tables and figures show money deflated to its value in 1500, enabling meaningful comparisons across the whole century.³⁴

²⁹ Mark Greengrass, 'Mary, Dowager Queen of France', in Michael Lynch (ed.), *Mary Stewart: Queen in Three Kingdoms* (Oxford, 1988), pp. 171–94 at p. 179. Goodare, *State and Society*, p. 118.

³⁰ Goodare, *State and Society*, p. 118; Jenny Wormald, *Court, Kirk, and Community: Scotland 1470–1625* (Edinburgh, 1981), p. 9; Macdougall, *James IV*, p. 155; Cameron, *James V*, p. 261; Julian Goodare, 'James VI's English Subsidy', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), pp. 110–25.

³¹ Treasurer's Account, 1546–50, NRS E21/42 f.32v.

³² Amy Blakeway, 'The Sixteenth-Century Price Rise: New Evidence from Scotland, 1500–85', *Economic History Review* 67 (forthcoming, 2015).

³³ Goodare, *State and Society*, pp. 107–9.

³⁴ Blakeway, 'The Sixteenth-Century Price Rise'.

Sums of money cited in the text, by contrast, have not been deflated unless this is specified. Secondly, it should be noted that although in theory accounts were rendered on an annual basis, in practice this rarely took place. As such, to discuss comparable amounts of money annual figures often need to be extracted from the accounts. Full details of how each annual figure has been calculated are given in Appendix 1. Thirdly, Scottish royal accounts were organised according to the 'charge' and 'discharge' system, as opposed to the rather more familiar modern idea of 'income' and 'expenditure'. The 'charge' portion of the accounts listed all the income which the accountant was theoretically entitled to collect in a given year – whether or not he had actually received these monies. The 'discharge' portion of the accounts comprised a record of what the accountant had done with this money. Pre-eminently, this included payments for purchases, but it also included income which the accountant had not been paid, thus cancelling its appearance in the 'charge' section. For instance, if someone was fined in a justice ayre, but subsequently granted a remission from paying that fine, the sum in question would appear in the charge section as a sum of money to which the accountant was theoretically entitled, and in the discharge section, to indicate that they were in practice not required to produce the sum. Accounts organised on the charge-discharge system cannot be read as a straightforward record of monetary transactions. Nevertheless, it is possible to move towards a record of the real monetary transactions which appear within charge-discharge accounts. The efforts made towards this end are outlined in Appendix 1.

Fourthly, the way in which a rolled-over deficit, known as superexpenditure, was addressed in the accounts varied substantially. For much of this period, crown officials transacting with merchants did so in a private capacity rather than as crown representatives. This meant that, unfortunately for royal officials, they were personally liable for debts they contracted in the crown's service. For instance, in 1517, the former comptroller Alexander Jardine was personally pursued for the sum of £115 owing for wine purchased for Albany's household. This system also entailed that when a royal account was in deficit this signified that the crown was indebted to the accountant. These debts-come-deficits were dealt with in a variety of ways. Sometimes this deficit was included as an item of discharge, by presenting the previous year's deficit as a payment of a debt due to the accountant. Clearly, this was a fiction: no such payment was made, and in practice, previous years' deficits were bundled together with new expenditure to create one cumulative deficit at the end of the account. Alternatively, however, the deficit could simply not be carried forward in the following year's account.³⁵ This usually meant one of two scenarios. First, a deficit could be transferred between financial officers. In 1576, for example, Morton's loans to the crown ensured the treasurer was left in credit even though, rather than the crown deficit actually having been

³⁵ Julian Goodare, 'The Debts of James VI of Scotland', *Economic History Review* 62 (2009), pp. 926–52, at p. 932.

cleared, it was simply transferred from treasurer to regent.³⁶ Nonetheless, in the short term this arrangement ensured that there was no superexpenditure to be included in the next treasurer's account, covering 1576–8, effectively removing the financial impact of the Marian Civil War from the treasurer's books.

Alternatively, a debt to an accountant could have been settled in cash from another source. The £4,267 superexpenditure accrued by the end of 1540 appeared in neither the accounts of 1541 nor of 1542.³⁷ Although the superexpenditure left by James V was not carried forward into the treasurer's accounts under Arran, in April 1545, James Kirkcaldy of Grange, James V's former treasurer, to whom the £4,267 superexpenditure of 1540 was owed, received £956 15s.³⁸ This was presumably part-payment towards the full amount, leaving £3,311 owing. This remainder was possibly settled between June and August 1543 when the treasurer's accounts are no longer extant, but more probably Kirkcaldy was paid the remainder using money from James V's notorious personal treasure-hoard, known as his boxes, which we shall discuss in greater detail below.³⁹ The contents of the boxes were certainly used to subsidise the comptroller between March and April 1543, as they had done during James V's personal rule.⁴⁰ As an alternative to an up-front cash payment, debt could be cleared by assigning a portion of the royal revenues to an account on a temporary basis. This took place in February 1529 when James Colville of Ochiltree left the comptrollership.⁴¹ Similarly, when Robert, Lord Boyd, gave up his position as collector of the thirds, he was assigned revenue in both cash and kind in order to make up his shortfall.⁴² The full details of how (or, indeed, if) the majority of crown debts were settled will probably remain obscure. Nevertheless, it is important to consider whether or not a given account contained rolled-over debt, since the variable inclusion or removal of such sums as items of discharge creates the illusion of wildly fluctuating finances. Accordingly, several of the following tables and figures show two expenditure totals, one including, and one excluding, rolled over debts.

Having deflated all sums to the equivalent of their value in 1500, created annual totals from the accounts and removed the impact of rolled-over debt from expenditure, the following tables and figures enable meaningful comparisons to be made across the century. We turn now to the treasurer's finances.

³⁶ Murray 'Introduction' in *Treasurer's Accounts* XIII, pp. viii–x.

³⁷ *Treasurer's Accounts*, 1539–40, NRS E21/37 f. 102; *Treasurer's Accounts*, 1540–1, NRS E21/38 f. 107v; *Treasurer's Accounts*, 1541–2, NRS E21/39.

³⁸ *Treasurer's Accounts*, 1543–6, NRS E21/41 f. 138v.

³⁹ Athol L. Murray, 'Pursemaster's Accounts', *SHS Miscellany* 10, pp. 23–4.

⁴⁰ *Comptroller's Account*, 1543, NRS ER38/422. For a payment from James V to the Comptroller which presumably originated in his boxes of £2,000 in 1540: *ER* XVII p. 273.

⁴¹ Murray, 'The Comptroller', p. 42; *Comptroller's Account*, 1529, NRS E38/386.

⁴² *Collector of the Thirds Account*, 1577, NRS E45/11 f.141v–145v.

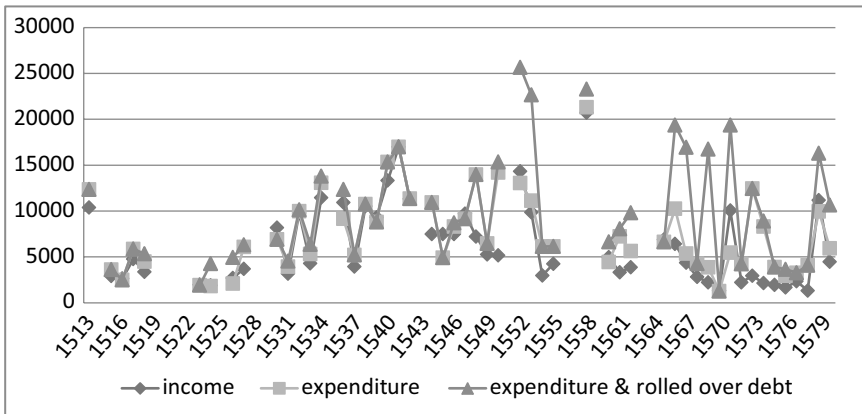


Figure 1: Treasurer's income and expenditure, £Scots 1500

When an account covered part of a year or multiple years, the income figures have been obtained by calculating a proportionate annual total. This has also been employed for expenditure, except in cases where an annual breakdown could be extrapolated from the accounts. For further details see Appendix 1.

The Treasurer

The relationship between income and expenditure and the quantity of rolled-over deficit handled by the crown altered dramatically during the century. The most immediately striking point in Figure 1 is the sharp division between the period prior to the mid 1540s, when income was more or less adequate to cover expenditure, and the period from c.1546 onwards when it was apparently impossible for income even to come close to covering the crown's outgoings. The tipping point evidently came during Mary's minority and, more specifically, in the middle of the Rough Wooings. This is unsurprising in the broader economic context: Scottish inflation first gathered speed during the 1540s, at least partly as a result of James V's decision to embark on substantial debasement of the coinage in 1538.⁴³ Arran, who continued to issue the debased coins, was therefore the first ruler facing the challenge of inflation on a large scale.

Rising superexpenditure primarily reveals a crown with ever-more inadequate resources, but it simultaneously exposes developments in the Scottish economy and crown finances as a whole. If the crown were able to become increasingly indebted, this indicates that as the century progressed it was taking advantage of enhanced opportunities to secure loans of money, or at least enjoying an augmented ability to acquire goods on

⁴³ Blakeway, 'Sixteenth-Century Price Rise'.

credit.⁴⁴ A relatively rare example of a list of crown creditors appeared in the treasurer's accounts for 1573. Nine Edinburgh burgesses (two of whom were women), the commendator of St Mary's Isle, the provost and bailies of Jedburgh and the town of Dalkeith were reimbursed for loans made during the Marian Civil War, whilst two soldiers received substantial arrears of pay.⁴⁵ For at least one of the burgesses, Adam Fullerton, this was not the full sum owed – Fullerton was reckoned to be due a further £1,948 in 1584.⁴⁶ Whether the payments included interest and other details of these credit transactions is unclear from the accounts, so few details regarding the operation of the credit market can be extrapolated. Nevertheless, it is evident that increased crown expenditure and, in turn, higher levels of superexpenditure, were dependent upon an expanding domestic credit market which relied heavily upon Edinburgh burgesses.

Removing rolled-over debts from expenditure totals presents some striking differences to the picture of overall financial health: in many of the crown's most indebted years, income was in fact either adequate, or very nearly adequate, to cover new expenditure. Just as the gap between expenditure and income widened during Mary's minority, so the influence of rolled-over debt on the crown's financial health became more substantial, this is particularly visible, for instance, in 1552–3. The first treasurer's account rendered after the Rough Wooings, in 1550, included several substantial back-payments relating to the war and extending back to 1546, when the treasurer had last rendered an account – thus explaining the otherwise surprising fact that expenditure apparently rose in 1550, the year the conflict ended.⁴⁷ Presumably Scotland's comprehension in the Treaty of Boulogne in March 1550 and the end of open hostilities with England facilitated the settling of numerous financial affairs and holding of the exchequer in September. This superexpenditure was rolled over in 1551 and 1552, when although the crown was far into the red, income was almost adequate to cover the costs of new purchases. Similarly, violently oscillating expenditure between Mary's deposition and the end of the Civil War (1568–73) appears considerably less volatile when rolled-over superexpenditure is consistently removed.

As a rule, political crisis caused superexpenditure by decreasing income whilst increasing expenditure. Nevertheless, an exception arose during the period 1576–8, when the treasurer suddenly faced a deficit of £34,362.⁴⁸ Murray has identified that this deficit arose from Morton's failure to 'lend' the crown money from 1576 onwards, combined with the previous diversion

⁴⁴ Goodare, 'Debts of James VI', pp. 926–52, at p. 949. For information about one particular moneylender, see: Margaret Sanderson, *Mary Stewart's People: Life in Mary Stewart's Scotland* (Edinburgh, 1987), pp. 91–102.

⁴⁵ Treasurer's Account, 1571–4, NRS E21/102 ff. 151v–152.

⁴⁶ RPC, III, p. 682.

⁴⁷ Treasurer's Account, 1543–6, NRS E21/41 ff. 370, 380–1.

⁴⁸ Treasurer's Account, 1576–8, NRS E22/2 f. 178.

of the mint's profits to Morton's personal use in 1574.⁴⁹ It was thus income, not expenditure, which altered. The average expenditure per annum for the account rendered 1574–6 amounted to £25,424, which fell to £22,929 per annum during the period 1576–8. Income, however, plummeted, from £17,246 to £10,078. During the period 1576–8, the mint made £46,328. Had it raised comparable sums during the period 1574–6, and had these sums been available to the treasurer, he could potentially have ended the period in profit.

The broad association between political upheaval, particularly war, and financial difficulties is unsurprising. The fact that tax valuations could be set either at the level 'in time of war' or 'in time of peace' demonstrates that contemporaries recognised the impact of military action on both the crown and its subjects.⁵⁰ However, because James IV and James V died so early in the campaigns of 1513 and 1542 respectively, the financial impact of prolonged international conflict was felt exclusively by regency regimes. That said, the brief Anglo-Scots war of 1532–3 does provide a potentially instructive comparison.⁵¹ The degree of actual military engagement was limited, since the conflict essentially comprised a series of large scale raids. As a result, as Figure 1 shows, expenditure in 1532–3 was not particularly high. The conflict was resolved by the Treaty of London in 1534 before matters could escalate further.

Broadly speaking, the financial difficulties which treasurers encountered during the minorities of Mary and James VI can largely be attributed to the impact of prolonged conflict. Nevertheless, even during peace, regents' finances had distinctive characteristics, particularly regarding their sources of income. James V's high income in 1541–2 was driven up by the large number of charters being granted over these years in relation to his act of revocation, raising over £13,000 in his most profitable year of 1541.⁵² Arran, by contrast, raised between £1,000 and £2,000 annually from charters in the period 1543–50, and a measly £524 in 1552. Lacking the profits of charters, Arran's treasurer was far more reliant upon money raised from the coinage and from justice ayres. The pattern of charters forming a more significant income source for monarchs than for regents was reflected in the difference between James V's minority and both his own majority and the final year of his father's rule.⁵³ Mary's peak in income of 1566 was closely linked to escheats of individuals who participated in the 1565 rebellion and the unusual inclusion of

⁴⁹ Atholl Murray, 'Introduction' in *TA*, XIII, p. xvii.

⁵⁰ Goodare, 'Parliamentary Taxation', p. 25.

⁵¹ Richard Hoyle, 'The Anglo-Scottish War of 1532–3', *Camden Society Miscellany XXXI* (1992), pp. 23–9.

⁵² Treasurer's Account, 1540–1, NRS E21/38 ff.2v–10v.

⁵³ In the best year of James V's minority he raised only £491 from this source, less than half James IV's charter income in 1513. Treasurer's Account, 1512–13, NRS E21/12 ff. 1–33; Treasurer's Account, 1517–18, NRS E21/17 ff. 1–8. For James V's majority compare, for instance: Treasurer's Account, 1533–4, NRS E21/28 ff.2v–4v; Treasurer's Account, 1535–6, NRS E21/29 ff.5–7.

revenues from former church lands in the treasurer's account.⁵⁴ This was part of a broader pattern: on average, Mary raised £1,578 yearly from charters whilst James VI's regents managed only £981.⁵⁵ It is possible that at least some of the charters granted in 1566 were intended as early preparations for her potential act of revocation on attaining the age of twenty-five in 1567. This reduction in the profits from charters strongly implies that fewer land transactions were being undertaken during regencies. Table 1 sets out the reign-by-reign treasurer's average expenditure and income.

Sources of income were thus not the only area in which regents' and monarchs' finances differed. Generally, monarchs were more successful at raising income than regents and their expenditure was therefore higher; but regents responded to falling income by spending substantially less than monarchs. Minority witnessed a retrenchment of the treasurer's finances, a situation which was primarily driven by falling income. Although the picture of scaled-back governance which this implies is not surprising, this presents several challenges to accepted wisdom. For instance, despite previous emphasis on Albany's debts, the treasurer's deficit reduced during James V's minority as compared to James IV's final deficit, despite expenses from the war against England.⁵⁶ Moreover, following Albany's ejection from the regency the treasurer's expenditure increased. Since average superexpenditure in James V's minority was substantially reduced from that at the end of James IV's reign, emphasis on James V's work to improve royal finances during his majority should more properly be considered within a longer-term context of retrenchment of royal expenditure during his minority.

Likewise, Arran's finances appear considerably healthier than previous accounts of his rule have allowed.⁵⁷ His most expensive year excluding rolled-over superexpenditure, 1550, cost less than James V's peak in spending in 1541, and considerably less than Guise's high total for 1559.

⁵⁴ For Mary, Queen of Scots' charters: Treasurer's Account, 1562–3, NRS E21/54 12v; Treasurer's Account, 1565–6, NRS E21/55 11v. For James VI's minority: Treasurer's Account, 1567–7, NRS E21/57 f.5; Treasurer's Account, 1568–70, NRS E21/58 f.5; Treasurer's Account, 1570–1, NRS E21/59 f.2; Treasurer's Account, 1571–4, NRS E21/102 f.12; Treasurer's Account, 1574–6, NRS E22/1 f.9v; Treasurer's Account, 1576–9, NRS E22/2 f.8v.

⁵⁵ These totals have been calculated by adding the total raised from charters together, dividing by the number of months and multiplying by twelve. For Mary: Treasurer's Account, 1561–2, NRS E21/53 f.9; Treasurer's Account, 1562–3, NRS E21/54 f.12v; Treasurer's Account, 1565–6, NRS E21/55 f.11v. Treasurer's Account, 1566–7, NRS E21/56 has been excluded since its record of charter income appears incomplete. For James VI: Treasurer's Account, 1567–7, NRS E21/57 f.5; Treasurer's Account, 1568–70, NRS E21/58 f.5v; Treasurer's Account, 1570–1, NRS E21/59 f.2; Treasurer's Account, 1571–4, NRS E21/102 f.12; Treasurer's Account, 1574–6, NRS E22/1 f.9v; Treasurer's Account, 1576–9, NRS E22/2 f.8v. The figures are undeflated.

⁵⁶ Emond, 'Minority of James V', p. 295.

⁵⁷ For an example of the approach of selecting an impressive number from one of Arran's account and decontextualising it to maximise its shock factor see: Ritchie, *Mary of Guise*, p. 124.

Table 1: Average annual treasurer's income, expenditure and balance, £Scots 1500

Ruler	Average annual income	Average annual expenditure	Average annual expenditure minus rolled over super-expenditure	Average annual balance	Average annual balance minus rolled over expenditure
James IV 1512–13	8,039	9,576	9,576	–1,537	–1,537
James V minority 1525–8	1,888	3,162	1,830	–1,274	58
James V majority	3,182	5,695	3,687	–2,513	–505
Arran	10,963	12,118	11,618	–1,155	–655
Guise ^a	8,658	13,538	10,560	–4,880	–1,902
Mary	13,757	15,228	13,036	–1,471	721
Moray	5,147	15,255	8,813	–10,108	–3,666
Lennox and Mar ^b	2,962	10,766	4,765	–7,804	–1,803
Morton	7,556	17,094	10,111	–9,538	–2,555
	3,068	6,538	6,285	–3,470	–3,217

a. The final account for Guise's regency, NRS E21/52, has been taken to cover six months – the period of time it covers when Guise was alive and authorising payments.

b. The first six months of NRS E21/59, prior to Lennox's election, have been excluded. Likewise, expenditure dating from June 1571 onwards and retrospectively inserted into this account has been reassigned to the appropriate year. For more details on the complex NRS E21/59 see below pp. 105, 243–4.

Arran's real-terms expenditure during the period 1544–9, whilst the Rough Wooings were placing exceptional demands on crown finances, fluctuated within a comparable range to that of James V during the peaceful 1530s. Nevertheless, the treasurer's income also fell under Arran, and the money available to him from other sources would probably also have reduced. There is no indication, for instance, that Arran (or indeed any other regent) built up a 'treasure' comparable to that of James V or James III. However, Arran certainly spent James V's treasure, and this has contributed to his spendthrift reputation.⁵⁸ On 21 July 1543 James' treasurer, James Kirkcaldy, and John Danielston, the parson of Dysart, were absolved of all responsibility for the £26,000 which James had left in boxes in Edinburgh castle and creditors were ordered to cease troubling them for payment.⁵⁹ At this point, it is likely that responsibility for the treasure transferred to Arran's half-brother, John Hamilton, abbot of Paisley.⁶⁰ By 28 August 1543, only £616

⁵⁸ Murray, 'The Comptroller', p. 47.

⁵⁹ RSS, III, 383.

⁶⁰ Paisley became treasurer in 1543 was responsible for the remaining contents of the boxes by 1546 at the latest: Treasurer's Account, 1543–6, NRS E21/41 f.27v.

was left: apparently, Arran spent £25,400 in little over a month.⁶¹ Some of this reached the comptroller's hands, but since the sums involved were between £900 and £3,400 this still leaves the money's fate largely unclear.⁶² We have seen that Kirkcaldy himself was owed over £3,000, and part of this was repaid in 1545. Even assuming that the remainder was paid from the boxes, this leaves £19,000 unaccounted for. It is likely that further sums were disbursed on debts – the creditors enjoined to cease troubling Kirkcaldy and Danielston doubtless turned their unwelcome attentions elsewhere, and James V's outgoing comptroller, David Wood, may well have had debts in need of payment. Since Hamilton's August 1543 account for the contents of the boxes is no longer extant, details of how the money was spent will remain obscure.⁶³ Nevertheless, it seems plausible that contemporary perceptions, such as Lennox's critique quoted at the start of this chapter that Arran was spending heavily in the opening months of his governorship, are rooted in reality. It is reasonably certain that a significant proportion of this expenditure was directed towards clearing James V's debts. More speculatively, Arran may have been attempting to buy support in the face of the challenge to his authority and Scotland's autonomy posed by the assured lords, or to make purchases commensurate with his new quasi-regal position.

In part, the treasurer's rising real-terms expenditure and falling real-terms income during Arran's regency can be explained by inflation and the disturbances caused by the Rough Wooings. In view of this, it is significant that the area of revenue from which Arran accrued notably more profit than James V was the coinage. James had embarked upon a policy of debasement in 1538, with reduced income in other areas this became vitally important during Arran's regency.⁶⁴ However, Arran's smaller income during the first years of his rule as compared with his final years was because the instability of the Rough Wooings precluded the full and effective exploitation of justice as a source of crown income, either from escheated estates, or from the fines raised by regular justice ayres. By contrast, from 1547 onwards, following the fall of St Andrews Castle, regular justice ayres boosted Arran's

⁶¹ Treasurer's Account, 1543–6, NRS E21/41 f.27v.

⁶² Comptroller's Account, August 1543, NRS 38/422. Murray states that Menzies received 'over £3,400' from James V's boxes between March and August 1543 ('The Comptroller', p. 47, citing ER, XVIII, p. 35), but the picture is a little messier. The £3,400 breaks down as: a payment of £400 from the keeper of the boxes, a payment of £400 from the keeper of the boxes and the abbot of Paisley, and, finally, a cumulative total of £2,500 jointly paid by the treasurer and from the boxes paid 'per diuersa precepta'. It is thus unclear how much of this larger sum actually originated in the boxes or with the treasurer. A further £133 6s 8d received from Paisley may also have originated in the boxes.

⁶³ This account was referred to in 1546: Treasurer's Account, 1543–6, NRS E21/41 f.27v.

⁶⁴ Gemmill and Mayhew, *Changing Values*, p. 136; C. E. Challis, 'Debasement: the Scottish Experience in the Fifteenth and Sixteenth Centuries', in D. M. Metcalf (ed.) *Coinage in Medieval Scotland 1100–1600* (Oxford, 1977), pp. 171–96 at p. 190; Blakeway, 'Sixteenth-Century Price Rise'.

income.⁶⁵ Towards the end of his regency, in 1552 and 1553, the treasurer's expenditure only slightly outstripped income, yet, since the superexpenditure of the Rough Wooings remained on the books, the account ended in the red. In view of this relatively modest expenditure, it seems plausible that Arran's reputation as a spendthrift has been rooted in a failure to appreciate changing accounting practices regarding the increasingly common decision to roll superexpenditure totals forwards, creating an impression of suddenly increasing debt.

The revenues of Arran's treasurers should be seen in the context of the income he raised from taxation. Arran was remarkably successful in this venture: even during his public profession of Protestantism in 1543 he was granted a tax of £10,000 from the clergy.⁶⁶ In December 1544 a tax of £26,000 for defence on the borders was being gathered in.⁶⁷ In October 1545 he was granted £16,000 to pay for mercenaries for deployment on the borders; at the same time, parliament ordered the payment of arrears due from a previous tax.⁶⁸ In 1546, following Beaton's murder, a further grant was made of £3,000 per month for four months, with the possibility of an extension should the siege of St Andrews Castle prove lengthy.⁶⁹ In July 1547, the limits of the system of raising taxation in order to pay mercenaries were made abundantly clear when the privy council discharged the previous grant of £35,000 of taxation in favour of issuing an order that all men between sixteen and sixty were to be ready upon the borders. Clearly, the process of gathering a tax in lieu of military service and securing mercenaries would have simply taken too long. Previous payments were to be reimbursed to those who attended, individuals who failed to appear were obliged to pay the tax regardless.⁷⁰ In 1549, another bumper tax of £35,000 was granted, although parliament evidently anticipated difficulties in its collection and laid out details of how those who failed to pay should be pursued.⁷¹ It was presumably this tax from which the £2,100 income from taxation recorded in the treasurer's account for 1552 was raised.⁷² The prevalence of concerns surrounding non-payment suggests that the crown failed to collect all it was due; likewise, these grants of taxation illustrate just how inadequate normal crown income was to meet the costs of extended warfare.

In view of the clear connection between income, expenditure, and instability, the increased income enjoyed by Lennox and Mar appears

⁶⁵ Nevertheless, as outlined in Appendix 1, a significant portion of the fines raised were remitted.

⁶⁶ *RPS*, 1543/3/40. Date accessed: 26 September 2013.

⁶⁷ *Treasurer's Account*, 1543–6, E21/41 f. 115r.

⁶⁸ *RPS*, 1545/9/28/27. Date accessed: 9 September 2013; *RPS*, 1545/9/28/30. Date accessed: 9 September 2013; *RPS*, 1545/9/28/33. Date accessed: 9 September 2013.

⁶⁹ *RPS*, 1546/7/35. Date accessed: 9 September 2013.

⁷⁰ *Privy Council Register*, 1545–8, NRS PC1/1, ff.69–70.

⁷¹ *RPS*, A1549/7/1. Date accessed: 9 September 2013.

⁷² *Treasurer's Account*, 1551–2, NRS E21/44 f.18.

anomalous. As Lennox recognised in 1571, when he complained that he lived 'In continewall poverty, Spending all I can get in this action', instability caused the crown great financial difficulties.⁷³ The apparent surplus of 1571 requires explanation, especially since the account which covers the period January 1570 to June 1571 ended in deficit.⁷⁴ First, it should be noted that expenditure from February to July 1570 was negligible due to the fact that no regent was appointed and therefore governmental, especially costly military and judicial activities, were substantially scaled back. Secondly, Moray had conducted a number of highly lucrative justice ayres in 1569. Most of the profits from these were not gathered in time for inclusion in the exchequer held in January 1570 just prior to his death, accordingly they appeared in the account rendered in 1571. The ayres raised £45,013, of this, £9,636 was remitted, thus leaving a clear £35,377 of profit.⁷⁵ Thirdly, whilst the account covering this period did indeed end with a deficit, it should be noted that rolled-over expenditure already exceeded total income: even if nothing had been spent, the account would still have ended with a deficit. Finally, it is worth considering some unusual features of this account. Although the account theoretically covers the period 1570–1, at the very back of the book a number of payments dating from 1572–4 were included. This was logistically possible because the account was audited some years afterwards, in the 1574 exchequer; nevertheless it is unclear why these payments were included. Potentially this was related to a change in personnel. Robert Richardson left office as treasurer in June 1571, so the superexpenditure recorded at that moment was the crown's personal debt to him. Possibly the payments dated 1572–4 and included in Richardson's final account as treasurer represent expenditure incurred by Richardson on the crown's behalf after he had left office. In any event, the inclusion of over £20,000 of expenditure dating from 1572 onwards quickly consumed and exceeded the carefully harvested profits of Moray's 1569 justice ayres. Frustratingly, the final folio of this account is lost, so the details of these transactions may never come to light. Nevertheless, it is clear that when Richardson left office in 1571 he was superexpended by at least £74,000. Whilst c.£20,000 of this debt related to expenditure incurred during the civil war subsequent to Richardson's departure from office, a further £45,000 comprised carried-over debts from Mary's personal rule.

There is no extant account for the tax of £12,000 granted in October 1570 for the purposes of an embassy to England; regardless of whether the crown successfully received some or all of this money, it is probable that this grant reflects an awareness of the high expenses of the York-Westminster

⁷³ Lennox to Burghley, 25 August 1571, TNA SP52/21 f. 36.

⁷⁴ Treasurer's Account, 1570–1, NRS E21/59. The final folio is missing, but excluding rolled-over superexpenditure, the treasurer had spent £13,6495 15s 4d.

⁷⁵ Treasurer's Account, 1567–70, NRS E21/58 ff. 22–3; Treasurer's Account, 1570–1, NRS E21/59 ff. 23r, 81–2.

conference, and of Lennox's existing financial difficulties.⁷⁶ The same amount had been granted to Mary in 1566 for James' baptism and collection of sums due from this tax continued into James' minority.⁷⁷ Perhaps surprisingly, no grant of taxation was made (or, indeed, apparently requested) during the remainder of the Marian Civil War. It is possible that Lennox, Mar and Morton believed their supporters were already contributing sufficiently through informal channels. Mar's nephew Lochleven, for instance, reportedly gave the crown £1,000 sterling in 1572.⁷⁸ Nevertheless, Morton obtained two taxes for raids to the border, in 1575 and 1577, the latter being imposed in lieu of military service.⁷⁹

In modifying accounts of Arran's fiscal ineptitude, these findings place the situation inherited by Marie de Guise in a new light.⁸⁰ The opening years of Guise's regency were remarkably light on the treasurer's purse. This is largely because when Guise was appointed regent her personal and household expenses continued to be met by her own funds accruing from the revenues from her jointure lands.⁸¹ Guise's elevation to the regency thus performed the same function for crown finances as the death of Margaret Tudor in 1542, for revenue from her substantial dower properties once again defrayed government expenditure, although they continued to be accounted for separately. The apparent fall in the treasurer's expenditure immediately on her accession related to the removal of rolled-over superexpenditure from the accounts, probably coinciding with Archbishop Hamilton's replacement as treasurer by Gilbert, earl of Cassillis. Unfortunately, several missing and damaged volumes largely obscure the treasurer's finances between 1554 and 1558, but there are hints that Guise struggled financially. Despite the removal of rolled-over superexpenditure, the treasurer was again in the red within six months of Guise assuming the regency, and the account for 1558–9 recorded rolled-over superexpenditure of £5,969 alongside substantial costs associated with the Reformation Rebellion. Since it is unlikely that the superexpenditure dating from before April 1554 re-entered the accounts in this period, this deficit was probably accrued between 1555 and 1558. This indebtedness was far from unusual, but it is particularly striking in the context of the availability of other funds to defray expenditure and draws attention to the fact that income fell in the first years of Guise's regency. In part, this was due

⁷⁶ RPS, A1570/10/1. Date accessed: 9 September 2013.

⁷⁷ RPS, A1566/10/2. Date accessed: 9 September 2013.

⁷⁸ Amy Blakeway, 'Kinship and Diplomacy in Sixteenth-Century Scotland', *Historical Research* 87 (2014), pp. 229–50, at p. 242.

⁷⁹ Goodare, 'Parliamentary Taxation', p. 48.

⁸⁰ Ritchie, *Mary of Guise*, pp. 134–6. The scale of Guise's financial problems is fully acknowledged, but Guise herself is largely exonerated from responsibility, with the blame being shifted to the deficit inherited from Châtellherault. As we have seen, this in fact appears to have been hived off and was not carried forward so the debts must have been new.

⁸¹ TA, X, pp. xiv, xlv.

to the failure of her justice ayres to pull in the profits which Arran's latter ventures had, but income from other sources likewise declined. Potentially, part of the treasurer's income was temporarily diverted to the outgoing treasurer, Archbishop Hamilton, to repay the superexpenditure originating in the Rough Wooings and still owing to him in his last account. Income recovered in 1559 due to the coining of a vast quantity of silver, the provenance of the metal is unclear.⁸²

The regents discussed thus far enjoyed varying degrees of financial success. All certainly used their office to reward their own loyal servants, and many of them doubtless relished a more lavish lifestyle than they had experienced in their private capacity (presumably with the exceptions of the two dowager queens). Whilst Albany and Arran could have reduced their expenditure by living more modestly, the same could be said of any Stewart monarch. Furthermore, there is no evidence that either of them engaged in fraud. In anachronistic terms, this could be characterised as regents taking full advantage of expenses to which they were entitled, but refraining from sticking their fingers in the till. By contrast, it is absolutely clear that Morton consistently and systematically embezzled the crown throughout his regency, particularly regarding the profits from the mint. Perhaps he was facilitated in doing so by the fact that during his period in office, the treasurer's expenditure fell considerably, compared with the expenses incurred during the civil war which dominated the early years of James VI's minority. Considering the types of expenditure which disappeared from Morton's treasurer's accounts, however, as compared with Albany and Arran, it seems likely that his ill-gotten cash was at least in part spent on projects such as personal building works, and consumables such as clothing and entertainment. This raises the subject of variations amongst rulers' expenditure patterns, which we shall now consider in more detail.

The Treasurer's Expenditure

While there is a clear correlation between war and increased expenditure, in times of peace expenditure was lower during minorities than royal majorities. But what was this money being spent on? What were monarchs buying that regents were not? Did regency affect all areas of government spending equally? To find out, a detailed examination of the discharge portion of the treasurer's accounts is necessary, and it is first helpful to consider the format in which this was written. The treasurer's discharge was usually divided into subsections, at the beginning of the sixteenth century on a yearly, but towards its close, on a monthly, basis. Typically, categories included expenditure on the monarch or regent and their immediate family, messengers and officers of arms, and a broad category of expenditure covering all other payments,

⁸² Treasurer's Account, 1559–61, NRS E21/52 f. 7r.

entitled 'bursa' in earlier accounts and described as expense disbursed 'on the ruler's precept', in later accounts. Spending on military affairs was often listed separately, as was spending on specific projects, such as major building works. However, the sub-sections varied over time, depending on the individual clerk writing up the accounts and details of the household in question. For example, several of James V's treasurer's accounts listed expenditure on royal dogs separately, but this expedient was unnecessary for rulers with fewer canine companions.⁸³ Furthermore, expenses were not consistently placed in the same category. For example, payments associated with the stables can be found in both the section appertaining to the ruler and their family, and under general expenditure. The extent of this variety is neatly illustrated by the fact that whilst the formulaic charge portion of the accounts was written in Latin, the more linguistically varied and thus challenging discharge section was penned in Scots.

The original organisation of the accounts is thus of little use in making comparisons over time. Instead, purchases made by the treasurer have been grouped into seven categories, comprising: justice, warfare, diplomacy, building work on the royal palaces, expenditure on the regent's household, and expenditure on the monarch or other members of the royal family. Each category includes expenditure on related messengers and carriage of goods. At this point, a note of caution is required. The quantity of purchases made by the treasurer was huge; almost 10,000 individual payments were recorded during Arran's governorship.⁸⁴ It was not always possible to ascertain to which category a payment should be assigned and, as a result, the totals given in Tables 2a and 2b do not add up to 100 percent. This is particularly problematic for the periods of James V's minority, Mary's personal rule, the regencies of Lennox and Mar, and the period following Morton's ejection from power when only 60 to 70 per cent of payments could be assigned a firm category. Some payments could have been assigned to multiple categories, and a level of subjective discretion has been unavoidable. Clearly, these overall totals also mask significant yearly variations.

Every extant account from a minority regime has been examined, alongside sample year(s) from each majority as a yardstick for comparison.⁸⁵ For James IV, the account selected covers 1512–13, the final full year's account of his reign.⁸⁶ From James V's majority, the accounts cover 1533–4, as a year when the king was running his household as a full adult, although single, monarch,

⁸³ Treasurer's Accounts, 1530–1, NRS E21/24; Treasurer's Accounts, 1531–2, NRS E21/25; Treasurer's Accounts, 1533–4, NRS E21/28.

⁸⁴ I have obtained this total from my database of Arran's treasurer's accounts based on: Treasurer's Account, 1542–3, NRS E21/40; Treasurer's Account, 1543–6, NRS E21/41; Treasurer's Account, 1546–50, NRS E21/42; Treasurer's Account, 1550–1, NRS E21/43; Treasurer's Account, 1551–2, NRS E21/44; Treasurer's Account, 1552–3, NRS E21/45.

⁸⁵ In each case, the account selected covered twelve months or very close thereto, to avoid, for example, including Yule twice, which would distort overall totals.

⁸⁶ Treasurer's Account, 1512–13, NRS E21/12.

with no substantial wartime expenditure.⁸⁷ 1541–2 has been selected as a contrasting year, when James V would have been subject to greater financial commitments, with a wife and preparation for a war against England.⁸⁸ For Mary, Queen of Scots, the account chosen covers February 1562 to February 1563.⁸⁹

Despite significant variations between periods of rule, royal minorities as a whole display no distinctive expenditure patterns. Household expenditure was proportionally lower during James V's minority than during the reign of his father or his own personal rule. Whilst Arran's household expenditure was highest amongst all the regents, even the combined expenditure total for his and Mary's households was lower than that of James V as a bachelor – this is particularly noteworthy in view of the fact that Arran had a growing family during his regency. The low proportion of Mary's expenditure on her household is surprising in the broader context of evidence for a highly developed court culture; this points to the significance of her private French revenues, although perhaps the relatively low proportion of payments which could be categorised is also a factor here. Conversely, a high proportion of payments which can be assigned a clear category from Moray's regency might explain his high household total – this relatively high proportion should, however, also be seen in the light of overall lower real-terms expenditure. The significance of James VI's burgeoning household following Morton's deposition as regent is clearly underscored by the changing proportion of expenditure directed towards the household. During minorities, the regent's court was substantially more expensive than the infant monarch's household: Albany's proportionally low overall costs in this area can be attributed to his frequent absences abroad, whilst Morton's can probably be explained with reference to his habit of syphoning off royal funds. Whilst the proportion of expenditure devoted to justice remained stable, totals for both warfare and diplomacy were highly variable. In view of the significance of buildings to the crown's overall assets as identified by Goodare's conjectural 'balance sheet' for James VI, the low proportion of expenditure allotted to buildings is surprising.⁹⁰ In part, this is attributable to the decision to categorise repairs of defensive structures, such as those undertaken at Edinburgh castle following the civil war, under 'warfare'; potentially, a fuller examination of the royal majorities would also reveal a greater significance for building expenditure than the sample years considered here suggest.

This consideration of the treasurer's finances has confirmed that minority presented challenges to the Scottish crown, whilst modifying a number of

⁸⁷ Treasurer's Account, 1533–4, NRS E21/28.

⁸⁸ Treasurer's Account, 1541–2, NRS E21/39.

⁸⁹ Treasurer's Account, 1562–3, NRS E21/54. Although the account for the final year of her rule would have given a picture of her court at its fullest with a husband and child in addition to military expenditure, the opening folios are missing: Treasurer's Account, 1566–7, NRS E21/56.

⁹⁰ Julian Goodare, 'A Balance Sheet for James VI of Scotland', *Journal of European Economic History* 38 (2009), pp. 49–91, at pp. 61–3, 91.

Table 2a: Breakdown of treasurer's discharge by period of rule

Ruler	Justice	Warfare	Diplomacy	Buildings	Regent's Household	Monarch and family	Superex
James IV 1512–13	0.5%	10%	2%	22%	N/A	50%	N/A
James V minority	3%	16%	4%	2%	15%	24%	4%
James V 1533–4	3%	4%	20%	12%	N/A	42%	N/A
James V 1541–2	2%	13%	2%	7%	N/A	55.5%	N/A
Arran	4%	20%	6%	7%	28%	2.5%	22%
De Guise	2%	50%	3%	6%	9%	N/A	11.5%
Mary 1562–3	4%	12%	1.5%	4%	N/A	16%	31%
Moray	2.5%	9.5%	2%	1.14%	9%	4%	57%
Lennox and Mar	0.3%	20%	1%	0.5%	2%	1%	39%
Morton ^a	3%	44%	1%	7%	4%	8%	6%
1578–80	2%	18%	4%	3%	N/A	30%	3%

a. Both the beginning and end of Morton's periods of rule occur in the middle of accounts; these have accordingly been split at the start of December 1572, Morton's first whole month as regent, and at the end of March 1578. As each Treasurer's Account ends with a section which covers a group of fees for the entirety of its period of account, these have been divided appropriately for these two split accounts, with half attributed to Morton from the first, and two-thirds from the second.

Table 2b: Breakdown of treasurer's expenditure (discharge excluding superexpenditure) by period of rule

Ruler	Justice	Warfare	Diplomacy	Buildings	Regent's Household	Monarch and family
James IV 1512-13	0.5%	10%	2%	22%	N/A	50%
James V minority	3%	17%	4%	2%	16%	25%
James V 1533-4	3%	4%	20%	12%	N/A	42%
James V 1541-2	2%	13%	2%	7%	N/A	55.5%
Arran	5%	26%	8%	9%	36%	3%
De Guise	2%	57%	3%	7%	10%	N/A
Mary 1562-3	6%	17%	2%	9%	N/A	23%
Moray	5.8%	22%	4.7%	2.65%	21%	9%
Lennox and Mar	0.5%	33%	2%	1%	3%	2%
Morton	3%	47%	1%	7%	4%	9%
1578-80	2%	19%	4%	3%	N/A	32%

preconceptions surrounding individual regents. Income invariably fell during a minority, and tended to stay low until the regent enjoyed enough stability, for instance, to begin to hold justice ayres. Whilst falling income was often matched with spiralling expenditure, excluding rolled-over superexpenditure shows that such deficits arose more rarely than simply looking at an account's closing figures would imply. Once a deficit had built up, however, it was certainly difficult to clear it. This hard financial evidence presents a serious challenge to one previous assumption: there is little evidence for careless profligacy in regents' management of the treasurer's finances. However, the treasurer was only one, albeit a highly significant, official amongst many. We will now turn to consider two other officials, the comptroller and the collector of the thirds of benefices, and explore how changing political circumstances affected their portions of Scottish crown finance.

The Comptroller and Collector of the Thirds of Benefices

As outlined at the start of this chapter, the bulk of the comptroller's income was drawn from the rents due on crown property, with additional monies arising from the customs.⁹¹ From these and other, usually less profitable, sources, medieval and early sixteenth-century comptrollers were primarily expected to take responsibility for monarchical household expenses. From Guise's regency onwards, however, the comptroller's role became less clearly defined and his importance appears to have declined.⁹² A crucial aspect of this shift was the crown's acquisition of new revenues from Kirk lands in the form of the thirds of benefices agreement of 1562, whereby existing clergy retained two-thirds of the value of a benefice, and the crown divided the remaining third with the reformed Kirk.⁹³ The collector thereafter enjoyed an intermittent degree of responsibility for financing the royal household. Just as the series of treasurer's accounts contains significant gaps, there are likewise numerous items missing from the comptrollers' and collectors of the thirds' accounts. The records for the collector begin in 1561 and survive in their entirety until 1568. Thereafter, the office fell into abeyance until 1573; although the accounts for 1574–5 are missing, the rest appertaining to our period are extant. Whilst the comptrollers' accounts survive in large numbers prior to 1542, only thirteen survive, either in whole or in part,

⁹¹ For the most detailed examination see: Murray, 'The Comptroller, 1425–1610', NRS G.A.355.93, pp. 36–7. See also: Murray, 'Financing the Royal Household', pp. 41–59.

⁹² Murray, 'The Comptroller', pp. 62–4.

⁹³ For the thirds see James Kirk, 'Introduction' to James Kirk (ed.), *The Books of Assumption of the Thirds of Benefices: Scottish Ecclesiastical Rentals at the Reformation* (Oxford, 1995), pp. xiv–xvi; Sharon Adams, 'The Conference at Leith: Ecclesiastical Finance and Politics in the 1570s', in Julian Goodare and Alastair Macdonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 123–146, at pp. 125–7.

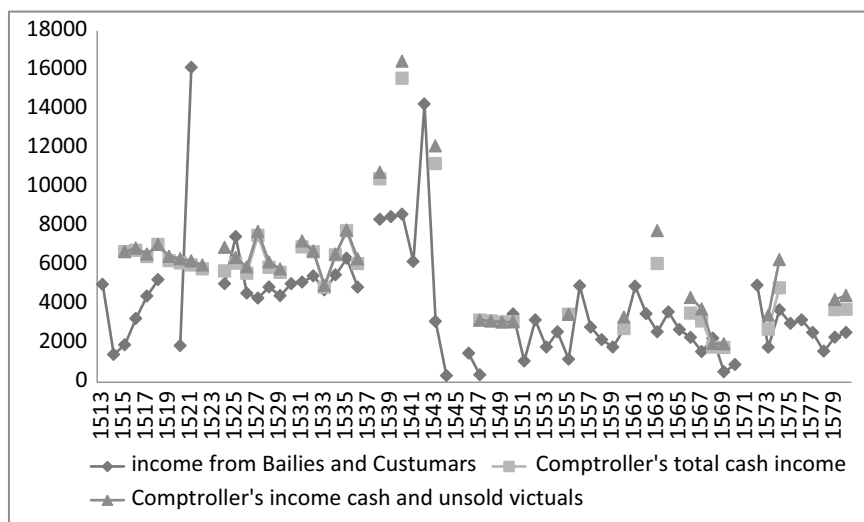


Figure 2: Comptroller's income £Scots 1500

See Appendix 2 for details of how these figures have been calculated.

between 1542 and 1581; in turn, the rolled-over deficits or surpluses which these record reveal the closing balances of a further four accounts.⁹⁴ This is not a promising start: however, like all representatives of early modern central government, the comptroller was heavily reliant upon local officials to collect income and make payments due at a local level. Thankfully, the much better survival of the accounts of such local officials, including the custumars (who had responsibility for collecting the customs), the bailies of burghs, and their rural equivalents, the bailies ad extra (who had responsibility for collecting the rental income on crown property), allows some additional, although speculative, conclusions to be drawn regarding the comptroller's income. The money which the comptroller received from these sources is displayed alongside information related to his overall expenditure in Figure 2.

Usually, payments from the bailies and custumars made up a high proportion of the comptroller's income, but there are five exceptions which require explanation. For 1520 and 1522 the differences are due to the fact that they both fall in a four-year period covered by the same comptroller's

⁹⁴ Comptroller's Account, March–August 1543, NRS E38/422; Comptroller's Account, August 1546–September 1550, NRS E38/433 (damaged); Comptroller's Account, 1555, NRS E38/444; Comptroller's Account, NRS E38/453; Comptroller's Account, 1559–60, NRS E24/3; Comptroller's Account, 1567, NRS E38/417; Comptroller's Account, 1565–6, NRS E24/4; Comptroller's Account, 1566–7, NRS E24/5; Comptroller's Account, 1567–9, NRS E24/6; Comptroller's Account, 1572–3, NRS E24/7; Comptroller's Account, 1573–4, NRS E24/8; Comptroller's Account, 1578–9, NRS E24/9; Comptroller's Account, 1579–80, NRS E24/10.

accounts. No exchequer was held in 1519, and whilst some local officials attended the exchequer in 1520 and 1522, the comptroller only rendered an account in 1522. Since it seems likely that monetary transactions continued even though the formal process of the exchequer was disturbed, for the purposes of these calculations, the overall income recorded in the comptroller's account for the period 1519–22 has been divided evenly between the four years. Unfortunately, the comptroller's average does not reflect the more precise, but limited, data relating to the custumars and bailies. The reduced significance of the monies of local officials in 1540 and 1543 is due to the large payments the comptroller received from James V's boxes in both years, augmented in 1540 by the monies accrued from the rents of Gien (located in the Loire valley) granted to James V when he married.⁹⁵ In 1563, income increased due to a higher quantity of revenues from land including some of Guise's former jointure properties.

As with the treasurer, a division is visible in the comptroller's finances between the period prior to and following the 1540s, with inflation ensuring that the real value of income, and so its purchasing power, declined. Whilst the extant accounts of local officials provide a partial insight into the comptroller's income, sources for his expenditure beyond the comptroller's own accounts are rarer. Arran's household books provide insight into the comptroller's main area of expenditure during the period 1542–53, but otherwise we are reliant upon the comptroller's own accounts.

The consensus that Albany imposed good governance in Scotland is matched by an equally well accepted statement that his fiscal abilities left much to be desired.⁹⁶ The peaks in expenditure in 1515, 1517 and 1522 visible in Figure 3 seem to support this view since in both cases Albany's presence in Scotland had clearly led to higher expenditure. It is certainly true that Albany's household was far more expensive than the infant king's establishment. Between July and November 1515, Albany's household cost £3,493 17s 10d, whilst £70 11s was disbursed for James V.⁹⁷ This comparison has fuelled allegations of Albany's extravagance.⁹⁸ However, it is not surprising that Albany's household cost more than the infant monarch's: Albany presided over the court, and James V over a nursery. It is more helpful to contextualise Albany's household expenditure with that of other adult rulers. Figure 3 also shows that his household expenditure was, in real terms, outstripped by his former charge once the latter declared his majority. James V spent more than his erstwhile governor in 1526, 1528, and consistently from 1531 onwards. How, then, did Albany's expenditure compare with that of his

⁹⁵ For Gien: Murray, 'Financing the Royal Household', p. 57.

⁹⁶ Murray, 'Financing the Royal Household'; Stuart, *Scot who was a Frenchman*, p. 68. Emond is marginally more sympathetic but still disapproves of courtly expenditure as 'likely to engender rebellion if the government was not seen to be providing value for money'. Emond, 'Minority of James V', p. 163.

⁹⁷ ER, XIV, p. 118.

⁹⁸ Stuart, *Scot who was a Frenchman*, p. 68.

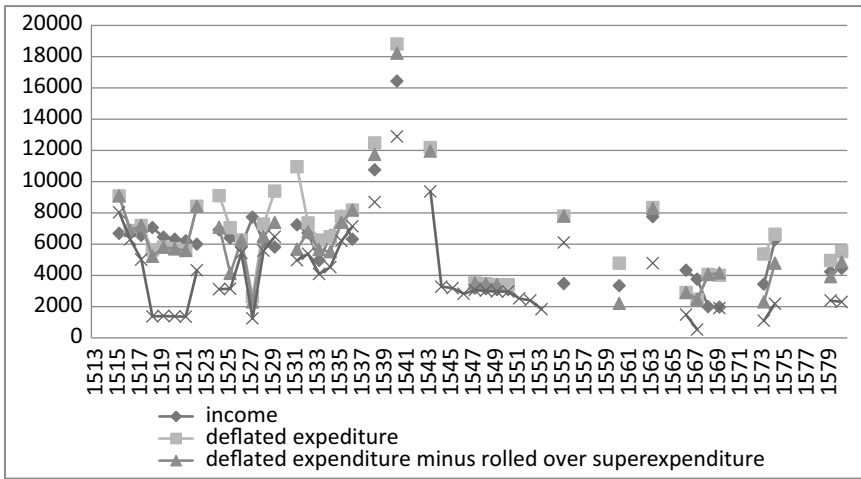


Figure 3: Comptroller's income, household expenditure and total expenditure
£Scots 1500

See Appendix 2 for details of how these figures have been calculated.

cousin James IV? This is not displayed in Figure 3 so some additional numbers are necessary. In the eleven calendar months preceding August 1509, James IV's household cost £11,583: excluding two small payments totalling £252 towards Margaret's household, this meant that James IV's house cost an average of £1,053 per month to maintain.⁹⁹ Albany's household, costing £700 a month, might have been expensive as compared with that of a child, and costs certainly increased remarkably whenever he returned from France, but it was cheap compared with a monarchical establishment.

Although expenditure was lower during James' minority than it was in the period before 1513 or after 1528, this was countered by the fact that income had fallen at a still more substantial rate.¹⁰⁰ However, Albany was neither ignorant of, nor indifferent to, the crown's financial position. In 1517, Albany informed the regents and lieutenants appointed to represent him during his absence that the treasurer, who had been temporarily given responsibility for a portion of the 'Ordinar expensis' which usually appertained to the comptroller, had raised concerns that he would encounter difficulties in obtaining crown revenue whilst the governor was abroad. Albany thus required that 'your lordschippis mann be scharp for to help him ffor the Inbringing of the samyn', ordering them immediately to horn anyone who failed to pay sums due to the crown.¹⁰¹ Horning referred to the process of publicly denouncing

⁹⁹ ER, XIII, pp. 254–5.

¹⁰⁰ Murray 'Financing the Royal Household', pp. 41–59.

¹⁰¹ Copy of letter Albany to Council, 7 June 1517, *Acta Dominorum Concilii*, 1517–18, NRS CS5/30 f. 22v.

those who flouted crown authority as rebels. This event clearly demonstrates Albany's broader concern to ameliorate crown finances.¹⁰² Although Albany's absence entailed lower household costs, the detrimental effect that his departure for France might exert on income was feared and, in view of the fall in income in 1519, such trepidation was justified. Nevertheless, during his absence the lords certainly attempted to obey him: in 1518 the comptroller pursued the bailies of both Dysart and Aberdeen for monies owing to the crown on their customs, the dispute with the former continuing until 1524.¹⁰³

Whilst income dropped at the start of James' minority, it should be noted that when James assumed his effective majority in 1528, the comptroller's income had returned to a similar level to that enjoyed by his father in 1513. Furthermore, despite the fact that income had risen further towards the end of James' majority, it was being outstripped by expenditure. The 1540 peak in income demonstrates the significance that one noble escheat could hold for crown finances: the boost to crown income provided by the escheated estates of Sir James Hamilton of Finnart suggests that falling from grace and forfeiting his lands was the last, and perhaps greatest, service performed by this erstwhile master of works.¹⁰⁴ It is particularly regrettable that no accounts survive for 1542, since these would have revealed the impact of the reversion of Margaret Tudor's jointure to the crown.

Following the death of James V the sporadic survival of the comptroller's accounts ensures that we have only a snapshot picture of this part of royal finances. Nevertheless, some conclusions can be drawn about the later period. The gain of Margaret's lands in 1542 was immediately counterbalanced by other circumstances: Mary's minority thus saw a substantial drop in income, and there is little evidence that it increased before her personal rule. This is unsurprising in view of the alienation of Guise's jointure and the depredations of the Rough Wooings. In 1543, David Wood of Craig, the comptroller, explained to parliament that he had encountered difficulties arising from failure to receive a promised tax of £10,000 from the church, the loss of income from the Angus and Glamis estates, the forfeitures on which had now been reversed, the profits of the coalpits, cattle and sheep, money due from Gien, and revenue from the ecclesiastical houses held by the late king's bastard sons. In addition, Wood cited a reduction in income of £10,000 appertaining to the lands which comprised Guise's conjunct fee.¹⁰⁵ In the context of this litany of loss, the overall surplus recorded that year, albeit in an account returned after Wood had left office, is frankly astonishing and only arose thanks to cash received from James V's boxes.¹⁰⁶ Nevertheless, it is highly

¹⁰² Emond, 'Minority of James V', p. 163.

¹⁰³ *Acta Dominorum Concilii*, 1518, NRS CS5/31 ff.160, 168; *Acta Dominorum Concilii*, 1523–4, NRS CS5/34 f. 153.

¹⁰⁴ Ballies ad extra account, 1537–8, NRS E38/409.

¹⁰⁵ RPS, 1543/3/40. Date accessed: 9 September 2013.

¹⁰⁶ Comptroller's Account, 1543, NRS E38/422. This account covered only six months and its totals have been doubled for comparison here.

likely that the comptroller would have quickly spent this surplus and become superexpended. A fragmentary account from the period 1547–50 reveals that the comptroller's entire income was just sufficient to cover Arran's household expenditure on food and drink – with additional expenditure on fees and other items, he would quickly have run into debt.¹⁰⁷

Excluding additional expenditure such as candles and spices (termed 'uncosts'), prior to his marriage, James V's average household expenditure was £415 per month, despite the fact that Marie de Guise maintained a separate household, this increased to £617 monthly following his marriage. Although Arran was married throughout his regency, his expenditure more closely resembled that of James V as a bachelor. Arran's average monthly household expenditure excluding uncosts amounted to £419 per month. In the light of this cold financial evidence, it is worth re-examining Wood's assessment of Arran's financial management. Wood observed that Arran 'haldis ane greit hous and is at mair sumptuous expense nor umquhile our said soverane lord held in his time'.¹⁰⁸ This has traditionally been read as evidence of Arran's profligacy in financial matters.¹⁰⁹ At first glance, the household accounts for 1543 seemingly bear this sentiment out. The expenses of December 1542, the final month when the royal household functioned as James V's establishment, were £646 8s 4d.¹¹⁰ On 8 January, the household accounts transferred to Arran and the page is headed, for the first time, 'Gubernatore'. Total expenditure for that month came to a large £1166 20s 2d, including a payment of £95 for the baby queen and her attendants in Linlithgow.¹¹¹ Although expenditure fell to £512 20d for February, costs remained high for the rest of 1543, often in the region of or just over £1,000.¹¹² This was clearly a lot of money and more than James V had been spending. On the face of it, Wood was right to be concerned, indeed, despite the promise of extra income, Wood was replaced as comptroller by Thomas Menzies within ten days of his complaint to parliament.¹¹³

Nevertheless, this cannot be taken as evidence for Arran's behaviour for the remainder of his governorship and it must be remembered that, as we have seen, on average throughout his governorship, including the expensive months of 1543, Arran spent less than James V. In June 1544, when the household accounts restart following a gap of nine months, only £275 6s 6d was spent on the household and, although this was a cheap month, costs for the remainder of Arran's governorship were likewise lower than during the

¹⁰⁷ Comptroller's Account, 1550, NRS E38/433.

¹⁰⁸ *The Records of the Parliaments of Scotland to 1707*, K. M. Brown et al. (eds) (St Andrews, 2007–2010), 1543/3/40. Date accessed: 20 June 2010.

¹⁰⁹ Murray 'The Comptroller, 1425–1610', p. 47.

¹¹⁰ Libri Emptorum, 1542–3, NRS E32/8 f. 43r.

¹¹¹ Libri Emptorum, 1542–3, NRS E32/8 f. 54r, 47r.

¹¹² Libri Emptorum, 1542–3, NRS E32/8 ff. 64, 71, 77, 88, 98v, 108v, 120r.

¹¹³ Libri Emptorum, 1542–3, NRS E32/8 ff. 71v–72r; Murray, 'The Comptroller, 1425–1610', p. 47.

first year.¹¹⁴ Wood's comment must therefore be contextualised and offset against other evidence. His previously ignored reference to 'ane greit house', or 'one big house', is intriguing. Does this imply that Arran was trying to combine his own household with that of James V and consequently presiding over a single, larger establishment which gradually reduced in size? It is unlikely the 'gret house' refers to responsibility for Mary's household: with the exception of the payment already cited, no references to her expenses are visible in Arran's household accounts. Attention should also be paid to the word 'sumptuous', since along with its potential connotations of luxury, 'sumptuous' could potentially simply imply substantial or exorbitant expenses and it is at least plausible that it was used in that sense here. Regardless, whilst Wood's comment reflects the high expenditure of early 1543, the fact is that it simply cannot be reconciled with the hard financial evidence for later in Arran's governorship. Costs had fallen by 1544, and they thereafter remained low.

During Guise's regency, royal finances were substantially reorganised to accommodate her household and governmental requirements. Her household officials, for instance, took on responsibilities which had previously appertained to the comptroller.¹¹⁵ Curiously, despite her own substantial revenues, Guise's two extant comptrollers' accounts, for 1555 and 1559–60, ended superexpended.¹¹⁶ Unfortunately, the lack of Arran's comptroller's accounts means that the proportion of this that might have been inherited debt is unclear. Comparing Guise's household accounts to Arran or James V is more problematic, since her accounts were organised in the French, rather than Scottish fashion, whereby purchases categorised as 'uncosts' in Scottish accounts were included with food and wages. Further, her accounts were calculated in livres tournois, underscoring the financial importance of her private French revenues. Guise's accounts are less plentiful than those of her husband and her predecessor, and only three months survive from the period of her regency, December 1559 and April and June 1560.¹¹⁷ In December 1559, her household costs extended to 839 livres tournois (c.£420), which fell to 480 livres tournois (c.£240) and 433 livres tournois (c.£216) in April and June 1560 respectively. It appears likely that these latter two months represent unusually low costs due to the exceptional political circumstances, since the average cost of Guise's separate household as queen dowager prior to her regency was 994 livres tournois (c. £492) a month. During her regency, her household arrangements apparently remained unchanged, including her use of her income as queen dowager. The significance of Guise's jointure lands to overall crown revenues can be seen in the substantially higher income

¹¹⁴ Libri Domicilii, 1544–7, NRS E31/13 f. 2r. Preceded by: Libri Emptorum, 1542–3, NRS E32/8.

¹¹⁵ Murray, 'The Comptroller', p. 61. Murray's discussion informs the following paragraph.

¹¹⁶ Comptroller's Account, 1555, E38/444; Comptroller's Account, 1559–60, E24/3.

¹¹⁷ Despens de la Maison Royale, 1559–60, NRS E33/5.

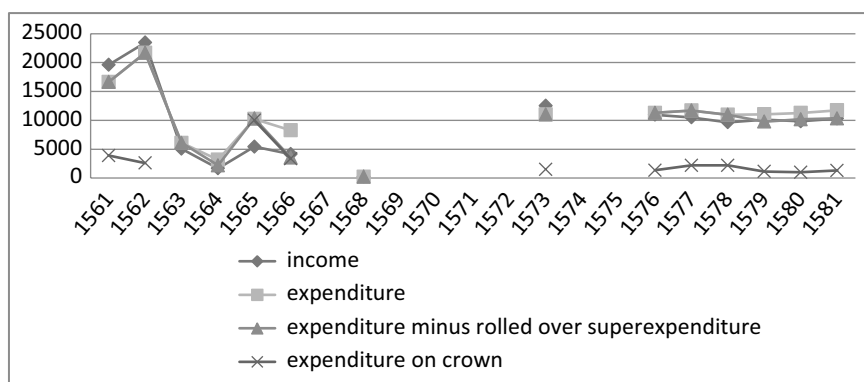


Figure 4: Income and expenditure of the collectors of the thirds, £Scots 1500

from the bailies ad extra in 1561, which lies behind the peak in income for this year visible in Figure 2. The fact that, for the first time since 1513 (with the exception of the fourteen months between Margaret's death in October 1541 and that of her son the following December), the crown enjoyed all of its lands without the strain of a queen dowager doubtless underscored the relatively robust position of Mary's comptrollers.

The shift from a comptroller who was in the black during 1566–7 to one who was in the red during 1568–9 is also striking, not least because at first glance this appears to show that James' minority inaugurated not only lost income but also increased expenditure. The fall in income is clearly connected to the fact that the number of local officials attending the 1569 exchequer was very low: only six of the bailies ad extra rendered accounts, half the number who had attended in 1566. Even more critically, however, for the fall in income between 1567 and the account for 1568–9 was the attendance of the accountants for Orkney and Ettrick Forest in 1567 and their failure to compeer in 1569.¹¹⁸ However, the comptroller's suddenly increased expenditure in 1567–9 can be explained by considering the relationship between the comptroller and the collector of the thirds of benefices. Figure 4 above shows the sums received and spent by the collector. Before analysing this in detail, however, it should be noted that between 1562 and 1574 the two posts were held by the same person concurrently. From 1562 John Wishart of Pittarrow was both collector and comptroller. He was replaced in both positions in 1565 by William Murray of Tullibardine who held them until 1574, when he relinquished the collectory to Robert, Lord Boyd, thus separating the offices. By 1565, revenues from the thirds were meeting a large proportion of household costs. Evidently, this entailed that the comptroller's account benefitted from a reduced burden of expenditure and it was thus a

¹¹⁸ Collectors of the Thirds' Account, 1566–7, E45/5; Collectors of the Thirds' Account, 1567–9, E45/6. In both instances see the 'extra rotulos' section.

major contributing factor to the surplus of 1566–7. However, in the account covering 1567–9, the superexpenditure of the thirds was transferred to the comptroller's accounts, thus reversing the collector's fortunes.¹¹⁹ Conversely, the collector's 'expenditure' in the account for 1567–8 entirely comprised discharging the collector from sums due to him which he had not been able to collect, the payment of his fee, and reimbursement of superexpenditure. The remaining balance was then transferred to the comptroller. This effectively wound up the office of collector of the thirds before it fell into abeyance. From the comptroller's perspective, this transferred superexpenditure, combined with disturbances to the exchequer during the civil war, meant that by 1572 superexpenditure of £11,533 had accrued. Conversely, the comptroller's increased income between 1573 and 1574 reflects emerging post-war stability.¹²⁰ Although no further comptrollers' accounts survive until the end of Morton's regency, as Figure 2 shows, income from the bailies and custumars remained relatively stable until 1581. The fall in 1578 was caused by low attendance from the bailies ad extra. Since the exchequer was held in February, a month prior to Morton's deposition, it appears likely that uncertainty discouraged attendance.¹²¹

Like the bailies ad extra, bailies of burghs and custumars, the collector of the thirds collected income due directly to the crown and made payments due to local officials, in this case, to ministers. For the purposes of a study of crown finance, therefore, the main interest in the accounts of the collectors of the thirds are the sums received by the crown – although, as Figure 4 shows, these fluctuated in line with overall income and expenditure, the proportion of the thirds directed to the crown, and the significance of the sums involved, varied hugely. As Donaldson observed, the crown managed to extract impressive sums from the thirds throughout Mary's personal rule.¹²² Nevertheless, the stark difference in the proportion of expenditure accorded to the crown in 1565–6 is in fact illusory, and is explained by changing accounting practices, whereby sums disbursed by local officials were not included in the collector's expenditure.¹²³ Whilst by 1579 the comptroller's income was fluctuating at approximately the same level it had in 1566–7, from 1573 onwards his expenditure in relation to royal household costs decreased in real terms. This occurred as a result of the revival of the collectorship of the thirds following the 1572 ecclesiastical conference at Leith.¹²⁴

It is worth pausing over the agreement forged at the Leith conference since it contained an unusual caveat. The agreement was to endure 'while his Hienes perfect age, or while the same be altered and abolished by the thre

¹¹⁹ Comptroller's Account, 1567–9, NRS E24/6.

¹²⁰ Comptroller's Account, 1572–3, NRS E24/7; Comptroller's Account, 1573–4, E24/8.

¹²¹ Bailies ad Extra, 1577, NRS E28/490; Bailies ad Extra, 1578, NRS E28/492; Bailies ad Extra, 1579, NRS E28/494.

¹²² Donaldson, *Accounts of the Collectors of Thirds*, p. xxv.

¹²³ Donaldson, *Accounts of the Collectors of Thirds*, p. xv.

¹²⁴ Adams, 'Conference at Leith'.

Estates in Parliament'.¹²⁵ It has been suggested that this was a 'stock phrase ... and that the same caveat could be applied to all agreements and acts of the privy council in this period'.¹²⁶ Far from being a 'stock phrase' this proviso was, in fact, highly unusual.¹²⁷ Indeed, the General Assembly quickly showed that it 'was not even prepared to adhere to the Leith settlement until the king's majority', and hoped that Morton would revise the settlement.¹²⁸ The unusual trepidation shown at Leith was unlikely to have been provoked by the fact this was a religious agreement made during a monarch's minority – after all, unlike his cousins and neighbour monarchs in England James VI was not head of the Presbyterian Kirk of Scotland.¹²⁹ It is perhaps more likely that the caution in the Leith agreement between representatives of kirk and crown reflected the fact that the negotiations with the kirk over the thirds of benefices affected the crown's patrimony and thus fell into the category of grants which could be rescinded in a general act of revocation. The general assembly's insistence upon a solution before James' majority therefore potentially reveals that its members did not share any squeamishness regarding the royal patrimony.

In the context of consistently running a deficit, or at best breaking even, between 1574 and 1581 the surplus obtained from the first account of the revived collector in 1573 was remarkable. This was passed to Morton. No rationale for this was given in the account and it was probably simply pocketed by the acquisitive regent, although since the following account is missing its fate remains uncertain.¹³⁰ By contrast, the proportionally low sums obtained from the collector for the crown's actual use in 1573 were entirely typical of the subsequent decade. In 1561 and 1562, 55 per cent and 64 per cent of overall expenditure respectively had been spent on ministers' stipends or student bursaries. During Morton's regency, 55–75 per cent of expenditure was directed towards the kirk, compared with between 5 and 20 per cent for the household, pensions and gifts (the latter, although not directly beneficial to the crown, served as patronage to build up support). Although falling outside our period, between 1579 and 1581 the collector apparently

¹²⁵ *Booke of the Universal Kirk*, I, p. 207; Adams, 'Conference at Leith', pp. 138–9.

¹²⁶ Adams, 'Conference at Leith', p. 139 n.76.

¹²⁷ The exception to the rule is a private grant made by Albany which explicitly stated that it could be revoked at either the king's perfect age or the duke's pleasure: RPS, A1515/7/4. Date accessed: 16 July 2013.

¹²⁸ James Kirk, 'Royal and Lay Patronage in the Jacobean Kirk', in Norman MacDougall (ed.) *Church, Politics and Society: Scotland 1408–1929* (Edinburgh, 1983), pp. 127–50 at p. 131.

¹²⁹ For English concerns about a minor's inability to exercise the royal supremacy: Rex Pogson, 'God's Law and Man's: Stephen Gardiner and the Problem of Loyalty', in Claire Cross, David Loades and J. J. Scarisbrick (eds) *Law and Governance under the Tudors* (Cambridge, 1988), pp. 67–89, at pp. 79–80.

¹³⁰ Collectors of the Thirds' Account, 1573, NRS E45/8 f.121r.

made no contribution to the royal household.¹³¹ Clearly, whilst more money was extracted overall from the thirds under Morton, as compared with the period from 1562 to 1566, in real terms, the value of the crown's portion was reduced. However, monies raised from the thirds for the crown were intended to support the household, and it is clear that requirements in that area fell during James VI's minority as compared with his mother's personal rule. This can be seen in the overall totals for household provisioning costs, combining the provisioning expenditure of the comptroller and collectors under Mary and during James VI's minority. In 1566, the only year of Mary's rule for which both sets of accounts are extant, expenditure directly related to provisioning the household totalled £28,222; in 1573 the equivalent costs in James VI's establishment totalled £6,072.¹³² Even without deflating these sums, the stark difference in costs is clear. James' regents received even less from the thirds than the infant monarch: Moray obtained £260 in 1567, interestingly, by 1578 the former regent's subsidy may have been transferred to fill the table kept for the council.¹³³

More broadly, the household expenditure of James VI's regents can be roughly inferred from funding allocated to their households and a brief household account detailing the cost of Mar's household for ten days after his death. Moray was granted an annuity of 5,000 merks as regent, the equivalent of around £278 per month, whilst Lennox was provided with the same sum, augmented by a payment of £393 and provisions for commodities including horse oats 'for support of his expenssis attending upoun the Kingis persoun'.¹³⁴ All these provisions were drawn from kirk lands, in accordance with the thirds of benefices agreement reached by the crown and kirk. It appears likely that this sum was adequate to meet the costs of basic provisioning for the regent's household since the cost of Mar's household provisions in the ten days following his decease amounted to £88 7s 10d, the equivalent of £265 3s 6d per month.¹³⁵ This figure probably represented an accurate reflection of household costs, since Mar's 'haill gentillmen in houshald' were in attendance.¹³⁶ During Mary's minority, therefore, regents' households cost approximately £450 per month, whilst during the minority

¹³¹ Collectors of the Thirds' Accounts, 1580–7, NRS E45/13–15. This was related to a larger scale reorganisation of the thirds which included the revocation of pensions granted from the thirds, although the accounts show these continued to be paid: RPS, 1579/10/47. Date accessed: 30 September 2013.

¹³² Mary: Comptroller's Account, 1566, NRS E24/4; Donaldson, *Accounts of the Collectors of Thirds*, p. 184. James VI: Comptroller's Account, 1572–3, NRS E24/7; Collectors of the Thirds' Account, 1573, NRS E45/8.

¹³³ Donaldson, *Accounts of the Collectors of Thirds*, p. 190; Collectors of the Thirds' Account, 1578, E45/12.

¹³⁴ HMC, VI, p. 645; RPC, II, pp. 112–13.

¹³⁵ Expenses for Mar's household for ten days after his decease, 1572, NRS E34/31 f. 12. The figure included some, although not all, of the expenses categorised as 'uncosts' in royal household accounts.

¹³⁶ Expenses for Mar's household for ten days after his decease, 1572, NRS E34/31 f. 1.

of her son this fell to approximately £270. Deflating both figures to 1500 values, this is the equivalent of Arran and Guise's households costing £124, whilst less than half of this, a mere £48, sufficed for Mar.¹³⁷ Without evidence regarding the extent to which regents subsidised their households from their own revenues, the exact details of household expenditure remain unclear, but this analysis suggests that whilst Arran and Guise lived in a quasi-monarchical style, provisions for regents' households were substantially scaled back during James VI's minority. It is striking that this fierce retrenchment took place under those regents whose right to rule was most questionable due to controversy surrounding Mary's deposition and the novelty of the theory of elective regency. Alongside the vociferous accusations of excessive ambition levelled against Moray in particular, it is possible that smaller households were preferable since they provided less material for damaging allegations.

Although comparatively low, the payments received by James VI's regents bear testimony to a widely accepted belief, explicitly articulated to Moray by a supporter in 1569, that regents' household costs 'aucht and suld be borne of ye publick'.¹³⁸ Whilst understandings of which items precisely were comprised in the category of reasonable household expenditure varied, this statement confirms that regents' use of crown resources was fundamentally a legitimate, and necessary, component of their office.

Conclusions

The extent to which rulers were able to collect income from property, or to maximise the possibilities of charters and escheats, reflected the extent of their control over the crown patrimony, and, in turn, directly affected their ability to rule. Perhaps unsurprisingly, this consideration of crown finances has shown that drawing distinctions between 'regency' and 'adult monarchs', or even 'minority' and 'majority' rule, is an exercise of limited utility. Each ruler managed each of the different areas of crown finance, and the relations between them, in a subtly different manner and in response to differing circumstances. Furthermore, gaps in the crown's records impede the drawing of comparisons between reigns and considering whether the crown faced an overall deficit or surplus: of the period covered here, only twenty-eight years boast all the extant accounts of the treasurer, comptroller and, from 1560 onwards, collectors of the thirds.¹³⁹ Nevertheless, the extant data is

¹³⁷ The figure for Mary's minority was deflated using the index for 1550 (361.9), that for Mar for the year 1572 (563.2): Blakeway, 'Sixteenth-Century Price Rise'.

¹³⁸ Anon., Advice to Moray, 29 June 1569, Moray Archive NRAS 217, Box 43 doc. 90.

¹³⁹ Goodare's consideration of James VI's debts offers a different approach by calculating averages of the preceding and following accounts to fill the gaps. In view of the more substantial loss of records for the period prior to James VI's personal rule, a more cautious approach has been followed here. Goodare, 'Debts of James VI', p. 930 n. 13.

substantial enough to offer some, duly cautious, conclusions. First, that the 1540s were a significant tipping point in Scottish crown finance after which superexpenditure became much larger and harder to control. This development was probably rooted in broader economic developments, particularly snowballing inflation. It was thus intimately related to the increasing importance of the profits drawn from the coinage which arose from the crown's lucrative, but ultimately inflation-driving, policy of debasement, pioneered by James V in 1538.

Secondly, regents faced particular problems in raising income since several routes open to monarchs were closed to them. With the exception of Guise's efforts in 1555, confirming charters in advance of an act of revocation was simply not possible for a regent. During the minorities of James V and Mary the comptroller struggled without many of the most lucrative royal lands. Disturbance precluded holding justice ayres, and, similarly, inhibited holding the exchequer. This leads to the point that a common-sense distinction must be drawn between the financial picture during the Rough Wooings or the Marian Civil Wars and the situation during the subsequent portions of these minorities. The breakdown of the treasurer's expenditure reveals the extent to which military costs kept his expenditure well above income. Concomitantly, once the effect of rolled-over superexpenditure is removed from the post-war accounts it is clear that regents were able to live largely within their means but that, like any rulers, they cheerfully spent any income the crown could raise. Once stability was restored, income increased, with the profits accrued from justice ayres proving significant. Of the reduced post-conflict expenditure, a lower proportion was directed towards the regent's household than a monarch's court would absorb. In view of this, the financial competence of both Albany and Arran can be reassessed more positively, albeit cautiously. The fate of James V's boxes under Arran is unclear, and both Albany and Arran spent more than James VI's regents, but this needs to be contextualised as part of the broader financial picture.

James V's boxes raise several interesting questions about how Scottish crown finance changed between rulers. Possibly James V simply inherited an enviable ability to accrue cash, since his Stewart and Tudor grandfathers shared a character trait describable as either financial acumen or lucre-loving acquisitiveness.¹⁴⁰ Nevertheless, treasure-hoarding was unusual for the Stewarts: whilst Mary had significant income from her jointure in France this does not appear to have been hoarded into a treasure, there is no evidence for either James IV or James VI amassing such sums, and, indeed,

¹⁴⁰ Macdougall, *James III*; J. Murray, 'The Black Money of James III', in D. M. Metcalf (ed.), *Coinage in Medieval Scotland, 1100–1600: Second Symposium on Coinage and Monetary History* (Oxford, 1977), pp. 115–30. D. Grummitt, 'Henry VII, Chamber Finance and the New Monarchy', *Historical Research* 72 (1999), pp. 229–43. The comparison between James V's boxes and Henry VII's diversion of revenues to the Chamber would be worth pursuing in greater depth.

even James V was willing to spend his cash and dispense patronage.¹⁴¹ Nor is there evidence for regents amassing a treasure – with one possible exception. Morton's diversion of the profits of the mint to his own gain is well known. It is also possible he creamed off the 1573 surplus from the collector of the thirds, and his interest in the profits of justice will be outlined in chapter five. These methods of gaining income, namely diverting funds due to a particular official or requisitioning the surplus on an account to be hoarded elsewhere for the ruler's use, are not dissimilar to those James used to fund his boxes, or, indeed, to how Henry VII of England fed his coffers in the Tower of London.¹⁴² Unlike James V, Morton was required to embark on an elaborate subterfuge to obtain the proportion of the treasurer's income which he coveted, but their efforts mutually tended towards the acquisition of a portion of crown income in order to control it in person. Despite James' reputation for rapaciousness, his financial success has won him grudging respect and even open admirers.¹⁴³ Morton has received nothing but opprobrium.

This comparison is not an attempt to rehabilitate the thoroughly greedy and corrupt Morton. It does, however, reveal that whilst it was acceptable for kings to divert funds away from their correct channels into enigmatic private boxes, and to spend these diverted funds and, indeed, other income on running an elaborate court, giving presents to favoured subjects, or simply personal pleasure, the same was not true of regents. Regents were required to fulfil the duties of adult monarchs; in order to achieve this it was necessary to spend the crown's money. However, both contemporaries and subsequent historians have been deeply critical when they did so. This attitude presents a disjuncture with the legal reality of regents' control over crown property, based on the practical fact that in order to rule a country access to its resources is necessary – whether this entails paying mercenary soldiers, making gifts of land to reward service, or buying fashionable clothes in order to impress a visiting ambassador. This remained the case in 1578 as much as it had been in 1513; nevertheless, the relationships which regents enjoyed with crown funds altered during the course of the century. In 1545 Arran's council attempted to restrict his gifts from the casualty to those which had been countersigned by some of the council, but in 1570 Lennox was forced to agree to make no gifts of property without conciliar approval before his entry to office.¹⁴⁴ Likewise, Arran spent crown money on his personal properties, the expenses for which were duly recorded by the treasurer; thirty years later, Morton shared his brother-in-law's interest in architecture, and pursued

¹⁴¹ Cameron, *James V*, pp. 262, 272.

¹⁴² Murray, 'Pursemaster's Accounts'; Grummitt, 'Henry VII, Chamber Finance and the New Monarchy', pp. 234–5.

¹⁴³ For the grudging view: Wormald, *Court, Kirk, and Community*, pp. 10–11, 15. For the admiration: Murray, 'The Comptroller'; Murray, 'James V and his Comptrollers'; Cameron, *James V*, pp. 257–62.

¹⁴⁴ Privy Council Register, 1545–8, NRS PC1/1 f.10; BL Cotton MS Calig. C II ff. 314–18.

this during his regency – presumably these projects were at least partially funded by the profit from the mint. Clearly, in the 1540s it was acceptable for a regent to use crown funds to beautify his own house, but by the 1570s funding for such purposes could only be obtained through subterfuge. This comparison cannot be taken any further, since the two dowager queens only had crown property to live in, and Albany lacked both property in Scotland and the inclination to enhance it. It is possible that the explanation for the disparity is simply personal preference. However, it also raises suggestive possibilities regarding the changing relationship which regents enjoyed with royal funds as their office moved from being a hereditary right to an elected duty. Potentially, the fact that Morton was not a prince of the blood further inhibited his access to crown cash – could Moray, for instance, had he lived, have procured crown funds more openly? More tangibly, however, the lower proportion of crown expenditure directed towards regents' households during James VI's minority stands in stark contrast to the proportions earlier disbursed upon Arran and Albany. Unsurprisingly, this distinction was manifested in the differences that can be observed amongst their courts, to which topic we now turn.

Households and Courts

On 3 February 1549, Barbara Hamilton, Châtelherault's eldest daughter, married Alexander Gordon, master of Huntly, heir of George Gordon, fourth earl of Huntly. Barbara's appearance on this occasion was, naturally, paramount. Accordingly, a considerable amount was spent to ensure that she looked not only ravishing, but regal, since a 'rob ryall' made of purple velvet served as her wedding dress.¹ This was more than simply an expensive item of clothing, as royal robes were traditionally worn by members of the immediate royal family at important political events: Marie de Guise and James V had royal robes made for her coronation in February 1540, and James VI wore a miniature royal robe for his first appearance in parliament in August 1571.² Indeed, in 1516 Margaret Tudor had complained that Albany was wearing a royal robe when he had no right to do so.³ Châtelherault attended the wedding attired in a royal robe of his own, sporting his collar of the French chivalric order of St Michael for international-statesmanlike panache.⁴ The implications of this attire would not have been lost on the guests. The choice of entertainment provided Châtelherault with an opportunity to present himself as a man of culture, as a variety of international musicians performed, and a play was especially commissioned from the court writer William Lauder.⁵ Châtelherault's Edinburgh townhouse underwent renovations in anticipation of the ceremony, and the interior was decorated with royal tapestries.⁶ It is tempting to speculate that the tapestry selected was that depicting the marriage of Aeneas and Lavinia, which may have been used as 'an allegorical reminder of the political benefits' which marriages could bring during

¹ Treasurer's Account, 1546–50, NRS E21/42, f. 238v.

² Treasurer's Account, 1539–40, NRS E21/37 f. 32v; TA VII p. 277; Rosalind Marshall, "Hir Rob Ryall": the Costume of Mary of Guise', *Costume* 12 (1978), pp. 1–12, p. 4; Treasurer's Account, 1571–4, NRS E21/102 f. 52v.

³ 'Herafter in seweth the grete manifeste and detestable iniuries and wranggs don and committed to me Margarete quene of Scotts by John duke of Albeny sethen his comyng and repayreng into the realme of Scotlande', [March 1516], BL Cotton MS Calig. B II f. 226.

⁴ Treasurer's Accounts, 1546–50, NRS E21/42 f. 248.

⁵ Treasurer's Accounts, 1546–50, NRS E21/42 ff. 249v–50v.

⁶ Treasurer's Accounts, 1546–50, NRS E21/42 ff. 241v, 249v.

James V's personal rule.⁷ Guests were also given mementos of the occasion, thirty gold rings were fashioned, along with other 'toyes', costing £158.⁸ Châtelherault evidently understood that largesse was an aspect of princely virtue especially suitable for display at weddings.⁹

All this conspicuous consumption was directed towards a clear political aim. In general terms, the ceremony publicly announced Châtelherault's wealth and power, and that his relationship with Huntly was robust. Dynastically, too, the marriage was significant and the ties confirmed on that day proved a factor in noble politics for many years to come.¹⁰ More specifically, however, the timing of the marriage in February 1549 celebrated the strengthening of Châtelherault's administration since, for the first time in over a year, Scotland had a resident chancellor. In December 1548 Huntly had escaped from the English captivity endured since his capture at the battle of Pinkie on 10 September 1547. Barbara and Alexander had been engaged since February 1546 with financial negotiations continuing into the summer of 1547, and the ceremony pending 'the perfect age' of the parties.¹¹ However, it is unlikely that the marriage would have been concluded in Huntly's absence, thus it is probable that the wedding was deliberately arranged to celebrate his return and to affirm the unity of Châtelherault's regime. The author of the anonymous *Diurnal of Remarkable Occurrents* recalled that Huntly 'was ressauit with blythnes'.¹² Since the author dated Huntly's return to 2 February, the two events had presumably become conflated.

Despite a general scholarly interest in court ceremonial, an acknowledgement of the 'politicisation of marriage' in particular, and awareness of how significant Huntly's return was, this prime example of politically motivated

⁷ Sally Rush, 'French Fashion in Sixteenth-Century Scotland: the 1539 Inventory of James V's Wardrobe', *Furniture History* 42 (2006), pp. 1–25, p. 14.

⁸ Treasurer's Account, 1546–50, NRS E21/42 f. 239v.

⁹ Sarah Carpenter, 'Performing Diplomacies: the 1560s Court Entertainments of Mary Queen of Scots', *SHR* 82 (2003), pp. 194–225, pp. 202–3.

¹⁰ Elaine Finnie, 'The House of Hamilton: Patronage, Politics and the Church in the Reformation Period', *Innes Review* 36 (1985), pp. 3–28, p. 18.

¹¹ References in 1546 to purchases on the occasion of Barbara's 'marriage' and her departure for the north with Huntly probably refer to the formalisation of the engagement, rather than the marriage settlement. Treasurer's Account, 1543–6, NRS E21/41 f. 197v; ADC, p. 569. Barbara was probably born in 1532 or 1533; she was thus probably aged about thirteen when she was engaged and about sixteen when she married. This accords with Keith Brown's argument that although 'marriages' could take place when girls were about twelve, consummation, which was crucial to the validity and binding nature of a marriage, was usually delayed for a few years until the mid to late teens: Keith Brown, *Noble Society in Scotland: Wealth, Family and Culture from Reformation to Revolution* (Edinburgh, 2004), p. 115.

¹² Thomas Thompson (ed.), *Diurnal of Remarkable Occurrents that have passed within the Country of Scotland Since the Death of King James the Fourth Till the Year MDLXXV* (Edinburgh, 1833), p. 47; Marcus Merriman, *The Rough Wooings: Mary, Queen of Scots 1542–1551* (East Linton, 2000), p. 332.

courtly practice has hitherto been ignored.¹³ In part, this omission can be explained by a continued lack of scholarly interest in the 1540s. It also, however, reflects a broader set of preconceptions: impressive court celebrations demonstrating noble unity and cohesion, commissioning of new literary works, enjoying and appreciating music, glamorous surroundings and impressive clothing as integral aspects of successful rule are not usually associated with sixteenth-century Scottish regencies.¹⁴ Phoenix-like, the courts of the adult Stewarts arose from the ashes of barren minorities. Since early modern courts were politically, as well as culturally, significant, this rejection of the notion that regents had courts has broader implications, and conveniently doubles as another nail in the coffin of regents' reputations as unable to deliver sound governance.¹⁵

At the root of these dismissals lies the assumption that, in order to have a court, it was first necessary to have an active, adult monarch. However, examples from all over Europe demonstrate that this was not the case. The magnificence of Edward VI's English court, for example, provided continuity with the legendary opulence of his father.¹⁶ Further afield, Archduchess Margaret of Austria's household functioned as a court consonant with the impressive Burgundian tradition during her regency in the Netherlands.¹⁷ Returning to Scotland, Jane Dawson's characterisation of the fifth earl of Argyll's household as a 'court' is a particularly significant recognition of the impressive households enjoyed by nobles, and the fact that monarchs did not monopolise magnificence.¹⁸ As dowager, let alone as regent, Guise's

¹³ Theo Van Heijnsbergen, 'Advice to a Princess: the Literary Articulation of a Religious, Political and Cultural Programme for Mary Queen of Scots, 1562', in Julian Goodare, and Alasdair MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 99–122, at p. 121.

¹⁴ A. A. MacDonald, 'Princely Culture in Scotland under James III and James IV', in Martin Gosman, Alasdair MacDonald and Arno Vanderjagt (eds), *Princes and Princely Culture 1450–1650* (2 vols, Leiden, 2003), II, pp. 147–73 at p. 148; Andrea Thomas, *Princelie Majestie: the Court of James V of Scotland, 1528–1542* (Edinburgh, 2005), p. 153; Amy Juhala, 'An Advantageous Alliance: Edinburgh and the Court of James VI', in Julian Goodare and Alasdair Macdonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 337–363, at p. 337.

¹⁵ Geoffrey Elton, 'Tudor Government: the Points of Contact, 3: the Court', *Transactions of the Royal Historical Society* 26 (1976), pp. 211–28; For an overview of the literature associated with the early modern English court see Natalie Mears, 'Courts, Courtiers and Culture in Tudor England', *Historical Journal* 46, (2003), pp. 703–22. For a broader European perspective see, amongst many others: John Adamson (ed.), *Princely Courts of Europe: Ritual, Politics and Culture under the Ancien Régime, 1500–1750* (London, 1999); Gosman et al. (eds), *Princes and Princely Culture 1450–1650* (2 vols, Leiden, 2003–5).

¹⁶ Kevin Sharpe, *Selling the Tudor Monarchy: Authority and Image in Sixteenth-Century England* (London, 2009), p. 234.

¹⁷ Dagmar Eichberger, 'A Cultural Centre in the Southern Netherlands: the Court of Archduchess Margaret of Austria (1480–1530) in Melchen', in M. Gosman et al. (eds) *Princes and Princely Culture, 1450–1650* (2 vols, Leiden, 2003–5), I, pp. 239–58.

¹⁸ Jane Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots: The Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002) pp. 13, 37, 48.

establishment was recognised as a court – Pittscottie recalled that in late 1544 ‘hir court was than lyke wenus and cupido in tyme of fresche maij for thair was sic dānsing singing playing and merines into the court at that tyme that no man wald haue tired thairin’.¹⁹ The Venus and Cupid reference served to introduce the theme of Lennox and Bothwell courting Guise, and now provides a tantalising glimpse of an otherwise lost court – one that potentially proved a serious rival to that of Arran. More broadly, Keith Brown has forcefully argued for a robust and healthy cultural life amongst the ‘refined, sophisticated’ Scottish nobility.²⁰ This was the culture in which individuals who became regents were embedded prior to their elevation. It is frankly implausible that Scottish regents would have not only eschewed the opportunity to participate in the princely culture of their European counterparts, but also abandoned the practices in which they themselves had engaged as magnates. Indeed, the very success of the adult Stewart courts means that, as Michael Lynch has observed, ‘it is unlikely that matters were as bleak’ during minorities as is traditionally supposed.²¹ It is also worth recalling that contemporaries knew the difference between a household and a court: the very fact that they used the word ‘court’ to describe the establishments over which regents presided is in itself significant.

As Barbara Hamilton’s marriage demonstrates, the extent to which the court retained its political and cultural significance during minorities has been underestimated. As such, we can infer that regents adopted yet another of the facets of princely rule. Nevertheless, as with other rulers, political disturbances or financial limitations placed constraints on the extent to which regents could embrace the princely style. As outlined in chapter three, regents’ households were cheaper, and thus by implication smaller, than their monarchical equivalents. Despite this scaling-back, regents’ courts adopted many of the functions of their monarchical equivalents. That this expectation was incumbent upon regents is demonstrated by the fact that, on James V’s death, it was Arran, not the infant queen, who inherited the deceased king’s household.²² Throughout this chapter, questions surrounding the dividing line between ‘royal’ and ‘noble’ are particularly prominent, since regents’ courts had to encompass both their public role as ruler and, in the case of the Scottish magnates who became regents, simultaneously incorporate the functions of a noble household.

The lack of interest in court culture during Scottish minorities is partly attributable to issues of source survival. Whilst some cultural productions remain extant these provide a far from complete picture. In default of this,

¹⁹ Robert Lindsay of Pittscottie, *The historie and cronicles of Scotland*, ed. AE. J. G. MacKay (3 vols, Edinburgh, 1899–1911), II, pp. 15–16.

²⁰ Brown, *Noble Society*, pp. 203, 207.

²¹ Michael Lynch, ‘The Reassertion of Princely Power in Scotland’, in Gosman et al. (eds), *Princes and Princely Culture, 1450–1650* (2 vols, Leiden, 2003–5), I, pp. 203–38 at p. 204.

²² Libri Emptorum, 1542–3, NRS E32/8 f. 45.

two main sources exist, namely, anecdotal reports supplied by ambassadors or chroniclers recording specific events which they considered newsworthy, and crown financial records.²³ Reports by the English ambassador Thomas Randolph, for instance, are a particularly rich source of commentary on Scottish court life during the early 1560s, yet following Randolph's diplomatic disgrace and return to England in 1565, the extant evidence is of substantially poorer quality.²⁴ Moreover, the extent to which the authors of correspondence, diaries and chronicles would have known about, or indeed chosen to comment on, court life varies greatly. The production of financial records, by contrast, was less susceptible to such factors, and, as illustrated by the description of Barbara Hamilton's marriage, which was drawn almost exclusively from this source, these can provide a gold-mine of information. No text of Lauder's play is extant, but the clerks faithfully recorded the £11 5s which the playwright received for his efforts and expenses. Similarly, it appears plausible that the admission of Angus and Argyll to the Order of St Michael in 1548 would have been accompanied by pomp and circumstance. Arran himself had been admitted in 1545 following some fairly heavy-handed hints to French diplomats on the subject, and decorations for the 1548 ceremony included a depiction of the governor's own arms 'setting furth of ye collar'.²⁵ In essence, whilst minority courts were smaller and less ambitious, it is worth remembering that a low source survival rate – particularly in view of fewer ambassadorial reports surviving from the minorities of James V and Mary as compared with their personal rules – may mean that this picture is exaggerated.

As institutions which reflected the personalities of individual rulers, early modern courts varied considerably.²⁶ This pattern of variation is visible amongst regents' courts, yet a broad chronological development is also visible: James VI's regents enjoyed a less quasi-monarchical lifestyle than their predecessors. Whilst any connection between understandings of regency and attitudes to finances amongst regents remains speculative, as chapter three demonstrated, Arran's household and spending habits mark him out as exhibiting distinctive and unusual behaviour. His willingness openly to record the minutiae of his expenditure well beyond the remit of his 'ordinar' certainly stands in stark contrast with Morton's decision to employ an elaborate smokescreen to conceal his attempts to access crown funds. It is

²³ Carpenter, 'Performing Diplomacies', p. 196.

²⁴ Carpenter, 'Performing Diplomacies', pp. 216–17.

²⁵ Memorial by Guise, Beaton, La Brousse and Mesnage, 25 March 1544, BNF Fonds Français 17890 f. 24v; Morrette to Henri II, 16 Jan. 1545, BNF Fonds Français 17889 f. 20; Treasurer's Account, 1543–6, NRS E21/41 f. 147v; Treasurer's Account, 1546–50, NRS E21/42 f. 211. These may have looked similar to Arran's arms as portrayed in Kinneil: J. S. Richardson, 'Sixteenth and Seventeenth Century Mural Decorations at the House of Kinneil, Bo'ness, West Lothian', *Proceedings of the Society of Antiquaries of Scotland* 75 (1941), pp. 184–204.

²⁶ Carpenter, 'Performing Diplomacies', p. 194.

tempting to speculate that this indicates that Arran did not think he was doing anything wrong in, say, using crown money to pay for his daughter's wedding, whilst Morton knew that he would not be allowed to use royal funds for personal purposes and so resorted to complex attempts to conceal his embezzlement of the profits of the mint (an illegal activity, even for a regent). Nevertheless, Arran's unique decision to purchase large quantities of personal items through the treasurer is fortuitous for this research, since it has ensured the survival of an exceptionally rich record of his court. Accordingly, whilst evidence from each of the regencies is discussed in this chapter, that from Arran's rule is of such exceptional quality that it assumes a prominent position. Even so, since Arran's pursemaster's accounts are lacking, there are still gaps in this picture.²⁷

Whilst the court continued as an institution throughout minorities, as we saw in the previous chapter, regency offered governance on the cheap. In view of regents' startlingly lower household costs, which imply many fewer mouths to feed, it is worth considering whether a regent's household was able to function as political forum since smaller, cheaper, family-dominated households potentially entailed problems arising from a lack of suitable individuals from whom to obtain counsel.²⁸ Concerns to ensure adequate counsel were, as we have seen, a prominent feature of certain regencies, notably those of Margaret and Arran, and it is possible that attempts to create a formal 'daily council' indicate anxiety that more informal methods of counselling rulers were insufficient. In turn, this implies lower noble attendance at court. Nonetheless, the issue of noble attendance on the ruler and the concomitant impact this would have had on opportunities for informal counsel cannot be directly related to household costs. The amount any household spent on food and consumables related primarily to the number of those dependent upon the head of household for their living, namely, to the size of a ruler's family, in its wider early modern sense. Since those with a duty to give counsel and, indeed, those who were suitable to participate in court life, were not the ruler's dependant children or domestic servants, a downsized household does not necessarily indicate a dearth of counsellors. Nonetheless, identifying noble attendance at court is problematic since nobles paid their own bills.²⁹ Their visits to the ruler would therefore not usually be revealed in the royal accounts, unless a specific payment was made in relation to a visitor, for instance, if the ruler received funds to play them at cards.³⁰ Descriptions of

²⁷ For the treasurer paying the governor's pursemaster: Treasurer's Account, 1550–2, NRS E21/43 f.106v. For James V's pursemaster: A. L. Murray (ed.), 'Accounts of the King's Pursemaster, 1539–1540', *Scottish History Society Miscellany X* (Edinburgh, 1965), pp. 13–51.

²⁸ Julian Goodare, *The Government of Scotland, 1560–1625* (Oxford, 2004), p. 88.

²⁹ Thomas, *Princelie Majestie*, p. 19.

³⁰ Treasurer's Account, 1516, NRS E21/14 f. 15; Treasurer's Account, 1543–6, NRS E21/41 ff. 43, 60v, 229; Treasurer's Account, 1546–50, NRS E21/42 ff. 175v, 327v; Treasurer's Account, 1554, NRS E21/46 f. 13; Treasurer's Account, 1558–9, NRS E21/51 ff. 38v, 47, 85.

events at court provide occasional evidence for those in attendance. In June 1574, for instance, the English ambassador, Sir Henry Killigrew, averred that Morton was ‘commonly well accompanied’, and, specifically, had four earls and seven lords attending on him at that moment, but such reports provide only a snapshot of an ever-changing situation.³¹ Indeed, since the presence of an ambassador was a special occasion which nobles might wish to attend for reasons of their own, it is doubtful how well such reports reflect daily life at a regent’s court.

When nobles visited the regent, they socialised in a manner directly comparable to adult monarchical rule. This is demonstrated by Killigrew’s 1574 report that ‘At my last being with the Regent there were English mynstrells that sounge a vehement dytty against her [Catherine de Medici] & the howse of Guise for the massacre at Paris [the St Bartholomew’s Day massacre of August 1572]’.³² The subject matter was plausibly more than mere gory reminiscing, since St Bartholomew’s Day functioned as a call for Protestant unity in the face of the Catholic threat. This was an eminently suitable message to project towards a visiting English ambassador.³³ Killigrew’s report thus reveals a cosmopolitan household where noble socialising intermingled with diplomacy, politics and entertainment. Indeed, Killigrew’s mention of minstrels also points to Morton’s interest in music, an area in which both he and Moray dispensed significant patronage.³⁴

Regents and Burghs

Despite their smaller households, access to the regent assumed the same importance ascribed to access to the monarch. Edinburgh burgh council was well aware of this and in 1556 gave money to the keepers of Marie de Guise’s chamber door in the hope they would facilitate the town’s business with the regent.³⁵ Likewise, in 1576 Robert Fleschour, secretary to Moray’s widow Annas Keith, was obliged to pay 13s 4d to ‘ye portaris at my Lord regent’s hall

³¹ [Killigrew?], ‘Occurents out of Scotland’, 23 June 1574, TNA SP52/26 f. 47.

³² Killigrew to Burghley, 23 June 1574, TNA SP52/26 f. 48.

³³ The St Bartholomew’s day massacre excited comment at the time, Robert Sempill penned a forceful call for Anglo-Scottish unity in its wake: Robert Sempill, *Ane New Ballet Set out be ane fugitiue Scottisman that fled out of Paris at this late Murther* (Lekpreuik, St Andrews, 1572). It is unknown if the piece was Sempill’s, although as the minstrels were English, the ballad might have been of English origin.

³⁴ Jamie Reid-Baxter: “Judge and revenge my cause”: the Earl of Morton, Andro Blackhall, Robert Sempill and the Fall of the House of Hamilton in 1579”, in Sally Mapstone, ed., *Older Scots Literature* (Edinburgh, 2005), pp. 467–92; John McQuaid, ‘Musicians of the Scottish Reformation, with Special Reference to Crown Policy c. 1560–1650’ (Ph.D. thesis, University of Edinburgh, 1949), p. 80.

³⁵ J. D. Marwick (ed.), *Extracts from the Records of the Burgh of Edinburgh [Edin. Recs.]* (5 vols, Edinburgh, 1869–92), III, p. 260.

dur and chalmer dur', presumably to obtain access to Morton.³⁶ Just as access to the regent remained important, so too is there evidence of continued civic attempts to curry favour. Gifting and provision of entertainment, accommodation or support were important aspects of Edinburgh's relationship with James VI, and, although the evidence is less plentiful, earlier Stewarts also enjoyed close relationships with the burgh.³⁷ This continued during minorities. Châtelherault participated in burgh activities, supporting the capital's 'Robert Hude', or Robin Hood, a popular figure in Scottish May Day celebrations, on several occasions.³⁸ The burgesses were not above employing flattery to capitalise on their good relationship with Châtelherault, claiming in 1552 that if he adopted their suggestions for civic improvement, 'the toun may fluris in the tyme of my Lord Gouvernour mair nor it did in the tyme of al kingis'.³⁹

Such endorsement of the burgh's May games stands in striking contrast with repression of the cult, which began in 1555; perhaps Châtelherault was less concerned about 'licentiousness', or, more seriously, the potential for 'unrest and opposition' associated with the games, than Guise was.⁴⁰ Indeed, it is tempting to relate a distaste for May games in 1555 to the broader attempts to control criticism which lay behind the parliamentary act against slander of the same year.⁴¹ Despite her opposition to the May games, the capital also courted Guise. She frequently received New Year's gifts from Edinburgh during her regency, and the burgh's willingness to loan plate for use at her banquets or provide housing for her foreign visitors further suggests an amicable relationship.⁴² In December 1554, the burgh arranged for a play by William Lauder to be performed before Guise, and she famously attended the burgh's production of David Lindsay's *A Satire of the Three Estatis* in 1554.⁴³ As with elsewhere in Europe, literature played an important role in reporting current events and seeking to project political messages during the reigns of the adult Stewarts.⁴⁴ Unfortunately, comparable work not only has not,

³⁶ NRS A 217, Robert Fleschour's compt, Box 15, doc. 1882, no year given. However, as 12 October was a Friday, this could be 1571 or 1576. The reference to 'my lord' implies 1576, as Annas had not remarried anyone who would be Robert Fleschour's 'lord' by 1571.

³⁷ Juhala, 'An Advantageous Alliance', pp. 355–9.

³⁸ Treasurer's Accounts, 1543–6, NRS E21/41 f. 71; Treasurer's Accounts, 1546–50, NRS E21/42 ff. 83v, 342. For Robin Hood more broadly in Scotland see: Patricia Dennison, 'Robin Hood in Scotland', in Julian Goodare and Alasdair MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 169–88, at p. 175.

³⁹ *Edin. Recs.*, III, p. 171.

⁴⁰ Dennison, 'Robin Hood', p. 185.

⁴¹ RPS, A1555/6/40. Date accessed: 7 February 2013.

⁴² *Edin. Recs.*, III pp. 205, 257. For plate: *Edin. Recs.*, III, pp. 206–7, 225, 260–1.

⁴³ *Edin. Recs.*, III pp. 206–7; Carol Edington, *Court and Culture in Renaissance Scotland: Sir David Lindsay of the Mount* (Amherst, MA, 1994), p. 66.

⁴⁴ Carpenter, 'Performing Diplomacies'; Sarah Carpenter, 'David Lindsay and James V: Court Literature as Current Event', in Jennifer and Richard Britnell (eds), *Vernacular*

but cannot, be undertaken for their minorities: Lindsay's *Satire* is the only play known to have survived dating from Mary's, or, indeed, any minority. Therefore, assessing the extent to which, say, William Lauder's oeuvre played a comparable role in conveying political messages to, or alternatively about, Arran or Guise will remain unclear unless new evidence emerges. Although a comparatively large quantity of poetry and prose survives from James VI's minority, much of it commenting upon and openly attempting to influence the actions of James' regents, this was almost exclusively produced outside the court. It is nonetheless clear that Robert Sempill, the leading vernacular propagandist of the King's Party, and other writers of the 1570s contributed to a lively and politically engaged literary culture. Arguably, the controversy surrounding the minority of James VI acted as a catalyst to literary endeavour, just as conflict prompted commentary elsewhere in Europe.⁴⁵

Edinburgh's prominent role in celebrations for Mary, Queen of Scots', marriage in 1558 underscores the amicability of relations between Guise and the town council. Holyrood was renovated for the occasion and it was probably at this point that the painted ceiling panels were installed bearing the arms of Mary, Queen of Scots, her husband the Dauphin, and Guise – these remain in situ today.⁴⁶ In addition to court celebrations, orders were issued to burghs to enforce merriment in the form of processions and bonfires.⁴⁷ Edinburgh's enthusiastic response produced a variety of pageants, organised by William Lauder, possibly designed to mirror those to which Parisians had been treated.⁴⁸ Although the burgh's festivities were indeed enjoyed by the populace at large, this display of loyalty was also doubtless intended to impress Guise,

Literature and Current Affairs in the Early Sixteenth-Century: France, England and Scotland (Aldershot, 2000); Jon Robinson, *Court Politics, Culture and Literature in Scotland and England, 1500–1540* (Aldershot, 2008); Edington, *Court and Culture in Renaissance Scotland*.

⁴⁵ Judith Pollman and Andrew Spicer (eds), *Public Opinion and Changing Identities in the Early Modern Netherlands* (Leiden, 2007), p. 6; Andrew Pettegree, 'A Provincial News Community in Sixteenth-Century Europe', in Judith Pollman and Andrew Spicer (eds), *Public Opinion and Changing Identities in the Early Modern Netherlands* (Leiden, 2007), pp. 39, 46; Adam Fox, 'Religious Satire in English Towns, 1570–1640', in Patrick Collinson and John Craig (eds), *The Reformation in the English Towns* (Basingstoke, 1998), pp. 221–40 at p. 240.

⁴⁶ The room in question is now known as Mary, Queen of Scots' outer chamber. I am grateful to Deborah Clark of the Royal Collection for responding to my enquiry about the ceiling and kindly providing me with the following references on the subject: John Harrison, *The History of the Monastery of the Holy-Rood and the Palace of Holyrood House* (Edinburgh, 1919), p. 85; Michael Bath, *Renaissance Decorative Painting in Scotland* (Edinburgh, 2003), p. 243.

⁴⁷ Treasurer's Accounts, 1558–9, NRS E21/51 f. 51.

⁴⁸ A. J. Mill, *Medieval Plays in Scotland* (London, 1927), pp. 183–4; J. Furnival, 'Preface' to William Lauder, *The Extant Poetical works of William Lauder*, ed. J. Furnival, (London, 1870), pp. vii–viii; Sarah Carpenter and Graham Runnalls, 'The Entertainments at the Marriage of Mary, Queen of Scots and the French Dauphin François, 1558: Paris and Edinburgh', *Medieval English Theatre* 22 (2000), pp. 145–61, at p. 153.

and it is probable that her private funds were further employed for celebrations for this major dynastic triumph.

Edinburgh's desire to please regents continued into the 1560s and 1570s. For instance, Moray's request that William Leich, 'ane of the grumeis of his graceis chalmer' should be 'maid burges and gild brother and the dewtie thair of gevin him gratis' was granted.⁴⁹ The burgh's choice of Robert Sempill, who was more usually known for penning ballads, to author a play in February 1568 indicates attempts to express political sympathy through theatre.⁵⁰ Edinburgh later paid for 'ane barrous of tymmer' to be built in front of the gate of Lennox's house, revealing that the capital could still be tapped for resources in times of need.⁵¹ Indeed, James VI's policy of requesting large sums of ready money from the town to meet debts was successfully piloted by Morton in the aftermath of the civil war, who requested 'without compulsion' that the burgesses would provide silver whilst reminding them that 'they were detbound be act of parliament' to accede to his request.⁵² Although Edinburgh continually sought an amicable relationship with regents, following the civil war, this relationship seems to have altered, with gifting and entertainment playing a less prominent role than they had previously.

One significant facet of the relationship between burgh and ruler was the provision of official entries into major towns. The Edinburgh entries of Mary and her son, in 1561 and 1579 respectively, demonstrate that the importance of such occasions was well understood.⁵³ Key elements of monarchical entries, including the provision of entertainment and gifts, recurred for regents. At Albany's entry to Edinburgh in 1515, there were 'sindrie ferses and gude plathis maide be the burgessis of the toun to his honour and prayse'.⁵⁴ Renovations in Holyrood 'for ye cuming of my lord governor' may provide corroborative evidence for a ceremonial entry.⁵⁵ Entries were not

⁴⁹ *Edin. Recs.*, IV, p. 249.

⁵⁰ Mill, *Mediaeval Plays*, p. 191.

⁵¹ *Edin. Recs.*, IV, p. 279.

⁵² Juhala, 'An Advantageous Alliance', pp. 343–5; *Edin Recs.*, V, pp. 18, 20. Unfortunately, it has not been possible to identify the Act to which Morton referred: it was not amongst those gathered by the RPS project for his early regency, nor for those of Mar or Lennox.

⁵³ Douglas Gray, 'The Royal Entry in Sixteenth-Century Scotland', in Sally Mapstone and Juliette Wood (eds), *The Thistle and the Rose: Essays on the Culture of Late Medieval and Renaissance Scotland* (East Linton, 1998), pp. 10–37; A. R. MacDonald, 'The Triumph of Protestantism: the Burgh Council of Edinburgh and the Entry of Mary, Queen of Scots, 2 September 1571', *Innes Review* 48 (1997), pp. 78–82; A. R. MacDonald, 'Mary Stewart's Entry to Edinburgh: an Ambiguous Triumph', *Innes Review* 42 (1991), pp. 101–10; Maureen Meikle, 'Anna of Denmark's Coronation and Entry into Edinburgh, 1590: Cultural, Religious and Diplomatic Perspectives', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008) pp. 277–94.

⁵⁴ John Lesley, *History of Scotland* (Edinburgh, 1830), p. 102; Sir James Balfour, 'Annals of Scotland', NLS MS 33.2.15 f. 220.

⁵⁵ Treasurer's Accounts, 1515–16, NRS E21/13 f. 7r.

the only distinctively monarchical ceremony which Albany was afforded, however, for in 1517 he was apparently the central participant in a ceremony to celebrate Skerthursday, the Scots name for Maundy Thursday. This took place in Restalrig Chapel which housed the cult of St Triduana, a recipient of royal patronage from the reign of James III onwards.⁵⁶ Skerthursday was a central part of Holy Week, commemorating the Last Supper, when Christ washed his disciples' feet as a gesture of humility, an action imitated by English monarchs.⁵⁷ Whilst alms were offered by James IV and his successors, it is uncertain if the Stewarts adopted the custom of feet-washing. Alms were usually given to the number of poor folk equivalent to the number of years of the monarch's life: in 1513, for instance, James IV was forty-one and gave to forty-one poor men, whilst Margaret Tudor undertook a parallel ceremony, giving to twenty-four poor women.⁵⁸ The ritual continued throughout James V's minority with the number of poor folk matching the years of the monarch's life.⁵⁹ In April 1517, when James V was six, the pattern broke: thirteen paupers were included for participation, reflecting an alternative tradition which evoked the number of people present at the last supper.⁶⁰ The change strongly implies that James V was, for some reason, not involved, and that Albany stepped in; the purchase of cloth for Albany and other unnamed lords directly in relation to this ceremony strengthens this supposition.⁶¹ Albany may well have been familiar with the tradition from France, although throughout Europe the ceremony was rarely performed by anyone other than a monarch.⁶² Albany's awareness of the usefulness of ceremonial certainly emerged in March that year when his admission to the Order of St Michael provided an excuse to propound the 'especial goodwill'

⁵⁶ A. A. MacDonald, 'The Chapel of Restalrig: Royal Folly or Venerable Shrine?', in L. A. J. R. Houwen, Alasdair A. MacDonald and Sally Mapstone (eds), *A Palace in the Wild: Essays on Vernacular Culture and Humanism in Late-Medieval Scotland* (Leuven, 2000), pp. 27–60; Helen Brown, 'Saint Triduana of Restalrig? Locating a Saint and Her Cult in Late Medieval Lothian and Beyond', in Debra Higgs Strickland (ed.), *Images of Medieval Sanctity: Essays in Honour of Gary Dickson* (Leiden, 2007), pp. 45–70; Thomas, *Princelie Majestie*, p. 115. Treasurer's Accounts, 1517, NRS E21/16 f. 13r. The identification of the ceremony with Restalrig college chapel is based on the fact that this is where Albany made a Good Friday donation.

⁵⁷ Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year 1400–1700* (Oxford, 2001), pp. 21–2, 57.

⁵⁸ Treasurer's Accounts, 1512–13, NRS E21/12 ff. 84v–85.

⁵⁹ Treasurer's Accounts, 1516, NRS E21/14 f. 13r; Treasurer's Accounts, 1522–4, NRS E21/18 f. 16.

⁶⁰ Treasurer's Accounts, 1517, NRS E21/16 f. 13r.

⁶¹ Treasurer's Accounts, 1517, NRS E21/16 f. 13r.

⁶² For French medieval practices see: Priscille Aladjidi, *Le roi père des pauvres, France XIIIe–XVe siècle* (Rennes, 2008), pp. 330–54. For a sixteenth-century example: Ann W. Ramsey, 'The Meaning of Henri IV's 1594 Parisian Entry', in Nicholas Russel and Hélène Visentin (eds), *French Ceremonial Entries in the Sixteenth Century: Event, Image, Text* (Toronto, 2007), pp. 189–206 at p. 201. For an English exception to the rule: Hutton, *Rise and Fall*, pp. 23, 57.

of France towards Scotland.⁶³ Potentially, the prestige which Albany enjoyed in the wake of this explains why he was afforded special treatment during the Easter season, less than a month later.

There is no evidence that Arran participated in Skerthursday; since Guise held Stirling and thus responsibility for the chapel royal, it is likely that she maintained this aspect of the crown's ritual year in which she may have participated as consort. Nevertheless, Châtelherault's first visit to Aberdeen as governor entailed the local version of the lord of misrule, the 'abbot of bonaccord', arranging entertainment, and Châtelherault received a substantial present of food and drink.⁶⁴ Although it is clear that Aberdeen went to some lengths to entertain the governor, it is not certain that this added up to a full-scale entry. Indeed, regents were rarely afforded entries; Arran apparently did not receive an Edinburgh entry, perhaps since his arrival in the capital was too close to James V's funeral. There is no evidence that Margaret Tudor (who visited Stirling and Perth, in addition to Edinburgh, during her eleven-month rule) or Marie de Guise received official entries as regent, although this may be because both had previously been afforded entries on their arrival in new cities as queen consort.⁶⁵ The picture for James VI's regents is still less promising. Aberdeen's decision to spruce up the 'much obliterated' royal arms around the town on 9 June 1569 followed Moray's arrival on 5 June, implying that, if anything, this was a response to rather than preparations for Moray's visit.⁶⁶ Likewise, Morton's arrival in Aberdeen in 1574 does not appear to have been marked, although some ceremonial may well have surrounded the issuing of Aberdeen's bond for loyalty and the regent's reciprocal discharge of the burgh's disloyalty during the civil war.⁶⁷

Roving Regents: Itineraries and Travel

This brief consideration of urban entries draws attention to the fact that regents travelled widely. In a Scottish context, a mobile, peripatetic court facilitating contact with important subjects, whilst asserting royal authority at a regional level, has often been recognised as an important feature of successful rule.⁶⁸

⁶³ W. K. Emond, 'The Minority of King James V, 1513–1528' (Ph.D. thesis, University of St Andrews, 1988), pp. 145–6; Treasurer's Account, 1516–17, NRS E21/16 f.13r.

⁶⁴ Mill, *Medieval Plays in Scotland*, pp. 78, 149. *Libri Domicilii*, 1551–2, NRS E31/10 f. 49v.

⁶⁵ Gray, 'The Royal Entry in Sixteenth-Century Scotland', pp. 17–25.

⁶⁶ J. Stuart, ed., *Extracts from the Council Register of the Burgh of Aberdeen [ABR]* (2 vols, Aberdeen, 1844), I, p. 366.

⁶⁷ ABR, II, pp. 10–20.

⁶⁸ Jenny Wormald, *Court, Kirk, and Community: Scotland, 1470–1625* (Edinburgh, 1981), p. 14; Julian Goodare and Michael Lynch, 'James VI and I: Universal King?', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), p. 11.

The itineraries discussed here are based on a range of sources. The best sources for reconstructing itineraries for a royal or noble individual are household books, which record where they and their household ate each meal.⁶⁹ Unfortunately, amongst the regents of sixteenth-century Scotland, only Arran's household books survive.⁷⁰ In lieu of household books, itineraries can be partly reconstructed from governmental records, such as, for example, council meetings or grants under the seals, but this provides an incomplete picture. Arran's itinerary is examined first since it is helpful to consider particular problems raised by the more partial itineraries of other regents together.

Unsurprisingly, the variations reflect Arran's response to an ever-changing political climate. The unusually high number of nights spent in Fife in 1546, for example, arose from the exceptional circumstances of Arran's attendance at the siege of St Andrews following the murder of the chancellor, Cardinal David Beaton, and his militant Protestant assassins thereafter holding St Andrews castle. Excluding such anomalies, however, it is equally clear that the places Arran favoured differed substantially from those of James V. Notably, Arran made far less use of the royal palaces in Stirling and Falkland than James V, who spent 26 per cent of his time in Stirling and 12 per cent in Falkland.⁷¹ The changed location of Easter celebrations reflects this: Arran usually spent Easter in Linlithgow or Edinburgh, whereas James V celebrated in the chapel royal in Stirling.⁷²

Unlike James V, and the English court under Henry VII and Henry VIII, Arran's household does not seem to have moved according to either the seasons or liturgical year.⁷³ Arran passed Yule four times at Edinburgh, twice each at Stirling and St Andrews and visited Glasgow, Perth and Hamilton once. Arran's first Yule visit to St Andrews was in 1545, when he and his household were guests of Cardinal Beaton for eleven days, arriving on Christmas Eve and departing on 4 January. Given the expense inherent in a visit from the court, even a scaled-back one such as Arran's, this gesture was doubtless designed to underscore Beaton's personal wealth and influence, as well as providing an opportunity to assess the popularity of Protestantism in Fife.⁷⁴ The fact that Pitscottie recalled the visit when writing in the 1570s indicates that this was an impressive occasion, although he overestimated the length

⁶⁹ Thomas, *Princelie Majestie*, pp. 244–6.

⁷⁰ Arran's household books: NRS E31/9–11, 13; NRS E32/8–12.

⁷¹ Thomas, *Princelie Majestie*, p. 244.

⁷² Thomas, *Princelie Majestie*, p. 112.

⁷³ Thomas, *Princelie Majestie*, p. 112–13; Fiona Kisby, 'Kingship and the Royal Itinerary: a Study of the Peripatetic Household of the Early Tudor Kings, 1485–1547', *The Court Historian* 4 (1999), pp. 29–39, at pp. 32–5.

⁷⁴ Household Book, 1544–7, NRS E31/13 ff. 159–62; Margaret Sanderson, *Cardinal of Scotland: David Beaton c. 1494–1546* (Edinburgh, 2001), p. 208. For the cost of royal visits to nobles see: Brown, *Noble Society*, p. 81.

Table 3: Summary of Arran's itinerary

Figures expressed as a percentage of the total number of nights in the year for which household accounts are extant

Year	Edinburgh	Stirling	Linlithgow	SE	SW	Fife	Falkland	NE	Hamilton
1543	72	0	6	0	6	0	1	0	15
1544	48	5	26	7	2	4	0	1	7
1545	20	7	31	7	16	7	0.3	0	11
1546	33	5	12	0	9	38	0.5	0	2
1547	35	12	15	11	11	6	0	4	6
1548	67	5	1	11	7	3	0	0	6
1549	56	3	6	11	6	5	0	0	13
1550	38	6	11	5	12	8	0.5	10	10
1551	19	0	24	27	18	0.3	0	0	12
1552	16	5	23	3	2	1	1	32	17
1553	17	5	37	1	8	12	3	0	17
Average	37%	5%	17%	8%	9%	8%	0.6%	5%	10%

Arran's itinerary for 1543–8 was summarised in RSS, III, appendix VI, pp. xxxi–xxxix. Since its contents were not analysed and subsequent years were not printed its usefulness here is limited.

of Arran's stay as twenty days.⁷⁵ This lack of an annual pattern could imply a relative lack of ceremony in Arran's annual feasts or perhaps a need for greater responsiveness to political expediencies.

A further point of departure from royal practice is evident in the houses in which Arran stayed whilst travelling. As governor, Arran had the right to use the royal palaces, but he exercised this privilege only intermittently.⁷⁶ Unsurprisingly, when Arran visited a town where the main crown property belonged to Guise, he lodged privately: during a visit to Stirling in December 1547, for example, he stayed in a 'lodging', implying that he was not in the castle.⁷⁷ Prior to Mary, Queen of Scots', departure for France it is possible that this separation reflected concerns regarding the safety of a child monarch placed in physical proximity to an heir apparent. During visits to Linlithgow it likewise appears that Arran did not invariably reside in the palace; on 6 June 1547, Arran dined in Linlithgow 'Apud Palacium', he was evidently staying elsewhere.⁷⁸ He could have stayed in his wife's dower house, Kinneil, about four miles from Linlithgow, but at points during his regency Arran retained a lodging in Linlithgow; in October 1552 the

⁷⁵ Pitscottie, *Historie and Cronicles*, II, p. 51.

⁷⁶ Marcus Merriman, *The Rough Wooings: Mary, Queen of Scots 1542–1551* (East Linton, 2000), pp. 90–1.

⁷⁷ Treasurer's Account, 1546–50, NRS E21/42 f. 141v.

⁷⁸ Libri Emptorum, 1546–8, NRS E32/9 f. 43.

court painter, Walter Binning, redecorated the governor's Linlithgow lodging at the same time as two new chimneys were added, implying that his private town house remained in use.⁷⁹ A diminished entourage would have facilitated the use of smaller properties as well as making the practicalities of travel easier.

Arran's choice of living quarters in Edinburgh varied. At the start of Arran's governorship, his household took up residence in Holyrood.⁸⁰ In the later years of his regency, however, Arran favoured private lodgings in the capital, probably because the palace was in a state of disrepair after English raids during the Rough Wooings.⁸¹ This choice not to reside in the castle more frequently was part of a wider pattern of reserving the castle for public or ceremonial occasions.⁸² In June 1550, for instance, tapestries were carried from two living spaces – namely Holyrood and the governor's lodging – to the castle for a banquet in honour of Marie de Guise's brother.⁸³ Nonetheless, Arran occasionally stayed in the castle; in the spring of 1546 over £100 was 'debursit upon reparation and bigging of ane hous within the castle of Edinburgh to my lord gouvernour', whilst his wife gave birth in the castle in June that year.⁸⁴ Since royal births were public events, the fact that Margaret's labour took place in the castle may suggest that her confinement followed royal conventions, although in the absence of information on noble childbirth the extent to which a public confinement was distinctive to the royal family is unclear.⁸⁵ Access to the castle, and, by extension, other crown residences, was clearly a significant symbol of power: in 1567, shortly after Moray's appointment to the regency, Throckmorton reported a rumour that 'within theys Twoe or three dayes thearle of Murrey wyll enter into

⁷⁹ Treasurer's Account, 1551–2, NRS E21/44 f. 94. For Binning's career see: Sarah Carpenter, 'Walter Binning: Decorative and Theatrical Painter (fl. 1540–1594)', *Medieval English Theatre* 10 (1988), pp. 17–25.

⁸⁰ Libri Emptorum, 1542–3, NRS E32/8 f. 45.

⁸¹ Treasurer's Account, 1546–50, NRS E21/42 f. 369v; Treasurer's Account 1551–2, NRS E21/44 f. 102v; Treasurer's Account, 1552–3, NRS E21/45 f. 62; Treasurer's Account, 1550–1, NRS E21/43 f. 13v; Treasurer's Account, 1551–2, NRS E21/44 f. 44v. Further payments for lodgings in an unspecified location: Treasurer's Account, 1546–50, NRS E21/42 f. 59. Châtelherault also rented in the Kirk o' Field: Treasurer's Account, 1551–2, NRS E21/44 f. 75v. This was not the same as the main Edinburgh lodging, for the rent for the Kirk o' Field lodging and the Edinburgh house were both paid on Whitsunday 1552: Treasurer's Account, 1551–2, NRS E21/44 f. 75v; Harrison, *History of the Monastery of the Holy-Rood*, pp. 77–81; Merriman, *Rough Wooings*, p. 150.

⁸² Patricia Dennison and Michael Lynch, 'Crown, Capital and Metropolis: Edinburgh and Canongate: the Rise of a Capital and an Urban Court', *Journal of Urban History* 32 (2005), pp. 22–44, at p. 25.

⁸³ Treasurer's Accounts, 1546–50, NRS E21/42 f. 358.

⁸⁴ Treasurer's Accounts, 1543–6, NRS E21/41 f. 205–7, ff. 210v–211, 217r–v, 219.

⁸⁵ Kay Staniland, 'Royal Entry into the World', in Daniel Williams (ed.), *England in the Fifteenth Century: Proceedings of the 1986 Harlaxton Symposium* (Woodbridge, 1987), pp. 297–313; Fiona Downie, *She is but a Woman: Queenship in Scotland 1424–1463* (Edinburgh, 2006), pp. 128–30.

the Castell of Edenburgh and Lodge there, to make a demonstracon of hys aucthorytye'.⁸⁶

Arran's Edinburgh lodging may possibly have been the same building traditionally referred to as 'Mary of Guise's House' in Blythe's Close. Descriptions written prior to the building's demolition in the nineteenth century detail depictions of Arran's heraldic arms alongside Guise's, possibly indicating joint use whilst Holyrood was in disrepair.⁸⁷ In any event, it is probable that the two lodged in close proximity to one another, for in 1552 a 'calsay' (pavement) was made between their houses.⁸⁸ Other regents likewise eschewed royal palaces in favour of private lodgings: Moray lodged privately in Linlithgow the night before his assassination, and Morton stayed with an Edinburgh merchant during his illness in 1572.⁸⁹ However, visiting Edinburgh merchants was not unique to regents – James VI also capitalised on this opportunity to forge a mutually beneficial relationship.⁹⁰

Arran shared his cousin James V's habit of spending more time in Edinburgh during periods of instability.⁹¹ During the first year of his regency, Arran spent a greater percentage of his time in the capital than in any other year, whilst the high amounts of time spent in Edinburgh over 1548–9 coincided with some of the fiercest fighting on the Anglo-Scottish border during the Rough Wooings. The itineraries of other regents (detailed in tables below) record a greater proportion of time in the capital overall as compared with Arran or James V. It is unlikely that this difference reveals a drastic change in practice: rather, it is probably attributable to the fact that the household books of other regents, recording their daily movements, are no longer extant. In the absence of household books, itineraries have been compiled from a variety of governmental records: the registers of the great and privy seals, council sederunts, references in the treasurer's accounts, evidence regarding justice ayres, and correspondence calendared in either Brewer's *Letters and Papers of Henry VIII* or the *Calendar of Scottish Papers*.⁹² Whilst household books yield a complete day-to-day listing of the ruler's movements, by contrast, itineraries compiled from other types of government records indicate where royal business was undertaken. As such, Edinburgh is likely to be over-represented, and locations with activities which did not leave a paper trail are likely to be under-represented. For instance, Macdougall's itinerary of James IV based on grants under the

⁸⁶ Throckmorton to Cecil, 26 August 1567, TNA SP52/14 f. 171r.

⁸⁷ Bath, *Renaissance Decorative Painting*, p. 239.

⁸⁸ *Edin. Recs.*, III, p. 274.

⁸⁹ *Diurnal of Remarkable Occurrents*, p. 156; Juhala, 'An Advantageous Alliance', pp. 352–3.

⁹⁰ Juhala, 'An Advantageous Alliance', p. 352.

⁹¹ Thomas, *Princelie Majestie*, p. 51.

⁹² J. S. Brewer (ed.), *Letters and Papers Foreign and Domestic, of the Reign of Henry VIII* (21 vols, London, 1862–1910); J. Bain et al. (eds), *Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547–1603* (13 vols, Edinburgh, 1898).

seals implies that James spent 68 per cent of his time in the capital, but, as Macdougall observed, this was based on the record of a certain type of government business.⁹³ Hence, locations such as Linlithgow, often mentioned in Arran and James V's household books as a stop-over on longer journeys, are notably less prominent in partially reconstructed, primarily governmental, itineraries. Furthermore, the locations revealed in these sources do not always necessarily show where the ruler actually was: whilst much of this business would have been transacted in the ruler's presence, as apparent contradictions between sources indicate it was desirable for business to continue in Edinburgh whilst rulers were elsewhere.⁹⁴

Even given the source bias acknowledged above, the high percentage of time spent in Edinburgh reinforces the picture that periods of disturbance required a ruler's presence in the capital. Since Albany's only castle in Scotland was Dunbar, this may have provided a further incentive for him to reside in Holyrood. Nonetheless, Albany was probably more peripatetic than the extant evidence reveals. Sporadic grants under the seals show that he spent several weeks in Fife, using Falkland Palace as his main base, in June, August and September 1516, and made another visit to the area in January 1517.⁹⁵ Since evidence only survives for isolated days on which Albany happened to make a grant during a longer trip, the full extents of such excursions are unknown. Moreover, his movements during the unsuccessful military campaign of 1524 are unclear, meaning that the time spent in preparation near the south-east Anglo-Scottish border is probably under-represented. Albany wrote to George Douglas in January 1524 mentioning numerous visits recently made to the area around Tantallon, yet there is no evidence for these outings in the extant government paper-trail.⁹⁶ Berating Douglas for neglecting to meet with him when he was near to Tantallon, Albany warned that Douglas' failure to appear had created delays in concluding business appertaining to his kinsmen.

For the first three years of her regency, Guise's household moved across more of the country, visiting Fife and Falkland Palace, the north-east and the south-west. Subsequently, a greater proportion of her time was spent in Edinburgh and the south-east. Although Stirling's prominence in her itinerary increased in comparison with Arran's, and Guise often stayed in the royal palaces, her apparent preference for Linlithgow, as identified in the itineraries of James V's court by Thomas, does not appear to have lasted.⁹⁷ It is, however, possible that this preference for Linlithgow may have continued but since little business was conducted there, records of visits were minimal.

⁹³ Norman Macdougall, *James IV* (Edinburgh, 1989), pp. 313–15.

⁹⁴ When contradictory evidence has emerged, source preference has been determined by contextualising that date with evidence for other days in the same week.

⁹⁵ For 1516: RSS, I, pp. 435–6; For 1517: RSS, I, pp. 446–7.

⁹⁶ Albany to George Douglas, Jan. 1524, *Acta Dominorum Concilii*, 1523–4, NRS CS5/34 f. 43.

⁹⁷ Thomas, *Princelie Majestie*, p. 52.

Table 4: Summary of Margaret and Albany's itineraries

	Number of days whereabouts known (total present in Scotland as ruler that year)	Edinburgh	Stirling	Linlithgow	Falkland	SE	SW	Fife, Perth	NE
Margaret	33 (351)	40%	27%	—	—	—	—	33%	—
Albany 1515	138 (227)	88%	—	—	—	7%	5%	—	—
Albany 1516	172 (365)	87%	1%	2%	5%	—	1%	4%	—
Albany 1517	82 (159)	80%	—	—	4%	—	6%	3%	3%
Albany 2nd visit	54 (381)	79%	—	—	—	4%	13%	4%	—
Albany 3rd visit	70 (254)	62%	4%	—	—	17%	17%	—	—

Table 5: Summary of Guise's itinerary

	Number of days location known	Edinburgh	Stirling	Linlithgow	Falkland	SE	SW	Fife	NE
1554	120 (273)	72%	5%	1%	3%	18%	–	1%	–
1555	147	67%	14%	3%	3%	3%	9%	1%	–
1556	229	37%	9%	–	0.5%	–	–	0.5%	52%
1557	143	55%	24%	7%	–	13%	1%	–	–
1558	236	89%	1%	–	–	9%	–	–	–
1559	115	84%	7%	–	–	9%	–	–	–
1560	163 (163)	100%	–	–	–	–	–	–	–
Total		71%	8%	1%	1%	7%	1%	1%	10%

Guise was regent for only part of 1554 and 1560. Figures in brackets in the column 'Number of days location known' show the number of days for those years when Guise was acting as regent. Firm data is available for 51% of her rule overall.

Guise retaining a strong liking for Linlithgow may also explain Arran's at least partial eschewal of the palace during his governorship: despite the fact Linlithgow palace was not part of her jointure, it is a place over which Guise appears to have retained effective control.

During James V's personal rule Guise, accompanied by her husband, made a pilgrimage to the Isle of May to seek St Adrian's help in conceiving a child.⁹⁸ However, like her three immediate predecessors, there is no indication in the treasurer's accounts that she revisited May or patronised other traditional royal pilgrimage sites such as Tain or Whithorn during her regency. As Albany and Arran had done, Guise instead expressed piety by donating alms to religious institutions of towns she visited rather than making expressly religious journeys.⁹⁹ Such lack of continuity is perhaps unsurprising given the importance of family connections in determining religious devotions and pilgrimage patterns.¹⁰⁰ Since neither Guise nor Albany had been brought up in Scotland they may have felt stronger affinity to French religious houses: for example, Guise was buried in the convent of St Pierre in Rheims, where her sister was abbess.¹⁰¹ Family connections explain Arran's favoured religious house of Paisley abbey. Paisley not only lay within Arran's lands, but at the start of his regency his half-brother John Hamilton (later archbishop of

⁹⁸ Thomas, *Princelie Majestie*, pp. 114–15.

⁹⁹ Treasurer's Account, 1556, NRS E21/49 f. 8.

¹⁰⁰ David Ditchburn, "'Saints at the Door Don't Make Miracles'? The Contrasting Fortunes of Scottish Pilgrimage, c.1450–1550', in Julian Goodare and Alasdair MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 77–8. For James IV's famous installation of a mistress en route to pilgrimage see: Ishbel Barnes, *Janet Kennedy Royal Mistress: Marriage and Divorce at the Courts of James IV and V* (Edinburgh, 2007), pp. 24–5.

¹⁰¹ R. K. Marshall, *Mary of Guise* (London, 1977), p. 262.

Table 6: Summary of Moray's itinerary

	Number of days location known	Edinburgh	Stirling	Linlithgow	SE	SW	Fife	NE	St Andrews	England
1567	54 (132)	91%	–	–	9%	–	–	–	–	–
1568	268	27%	5%	1%	1%	31%	–	–	–	35%
1569	255	20%	14%	–	15%	2%	3%	25%	8%	13%
1570	8 (23)	37.5%	25%	12.5%	–	25%	–	–	–	–
Total		30%	9%	0.5%	7%	16%	1%	11%	3.5%	22%

Moray was regent for only part of 1567 and 1570. Figures in brackets in the column 'Number of days location known' show the number of days for those years when he was acting as regent. Firm data is available for 66% of his rule.

Table 7: Summary of Lennox and Mar's itineraries

	Number of days location known	Edinburgh	Stirling	Linlithgow	Falkland	SE	SW	Fife	NE
Lennox	173(420)	46%	27%	2%	–	15%	8%	1%	1%
Mar	241(419)	8%	19%	–	–	70%	2%	0.5%	0.5%

Figures in brackets in the column 'number of days location known' shows the total length of their regencies. Firm data is available for 41% and 57% of Lennox's and Mar's rules respectively. The fact their regencies endured for almost exactly the same number of days is striking.

Table 8: Summary of Morton's itinerary

	Number of days location known	Edinburgh	Stirling	Falkland	SE	SW	Fife	NE	Dalkeith, Tantallon, Aberdour
1572	15 (46)	100%	–	–	–	–	–	–	–
1573	222	83%	1%	–	14%	–	–	–	2%
1574	201	54%	0.5%	–	7%	–	0.5	14%	24%
1575	148	66%	–	–	3%	7%	1%	–	25%
1576	185	64%	1%	0.5%	16%	0.5%	–	–	18%
1577	163	87%	1%	–	1%	–	–	–	11%
1578	30 (65)	86%	–	–	–	–	–	–	14%
Total		71.5%	1%	0.1%	8%	1.2%	0.2%	3%	15%

Morton was regent for only part of 1572 and 1578. Figures in brackets in the column 'number of days location known' show the number of days for those years when Morton was acting as regent. Firm data is available for 49% of his rule.

St Andrews) was its abbot.¹⁰² Naturally, pilgrimages are also entirely missing from the itineraries of the four post-Reformation regents.

Although the itineraries for James VI's four regents all reveal personal preferences, they confirm the proactive role regents played in directing military action in and around Edinburgh during the civil war. Morton's infrequent visits to Stirling contrast with his three predecessors, and highlight two factors. First, Morton's lack of visits to the royal household may reflect his lack of kinship ties with either members of the royal household or the king. His three predecessors had personal incentives to spend time in Stirling: Moray was the king's uncle, and the earl of Mar's nephew; Lennox was the king's grandfather, whilst Mar's wife and family remained in Stirling. Having lost his son, Darnley, only a few years before his regency, and disliking his separation from

¹⁰² For more on Paisley see: John Durkan, 'Paisley Abbey in the Sixteenth Century', *Innes Review* 27 (1976), pp. 110–26.

his wife and surviving son, Charles, Lennox seemed particularly anxious to spend time with his grandson, James VI.¹⁰³ Secondly, Morton's lack of interest in Stirling reflects a broader unwillingness to travel. Comparatively, Morton did not venture much beyond Edinburgh and the south-east of Scotland, where his main residences of Dalkeith, Tantallon and Aberdour were located. As a consequence, the journey to visit his own lands would not have entailed visiting many other places en route. Nevertheless, the proximity of Morton's residences to Edinburgh facilitated his use of his own properties for government business: more than other regents, he held council meetings in his private houses, especially during 1574–5. Subsequently, he and the council were more often based in Edinburgh.¹⁰⁴ As with Arran's eschewal of Holyrood and Edinburgh castle in favour of private lodgings, this may imply a period when renovations were taking place following conflict.

In addition to the information itineraries reveal about governmental business, they conversely reveal how frequently regents were able to concentrate on the significant responsibilities they held as landowners in their own right. The impact of royal minorities and regencies in Scotland is usually discussed in terms of changes to governmental structures, the location of power and crown-magnate relations. However, it also had an impact upon the individual regent appointed: if the earl of Arran was away in Edinburgh being the governor, who was fulfilling the responsibilities of the earl of Arran in Hamilton? As regent, Arran spent, on average, only a tenth of the year on his lands. This would have severely compromised his ability to fulfil his obligations of 'good lordship' which were predicated upon the importance of personal contact: lords who strayed from home neglected their duty to their men.¹⁰⁵ Arran's increased use of Linlithgow compared with James V probably represents a pragmatic solution to these tensions. The unsatisfactory effect of Arran's lengthy periods of time away from his own territorial power base may also explain the extent to which Arran and, to a lesser degree, other regents employed royal resources to reward their men. In the absence of pro-active, personal lordship, financial rewards or patronage through office-holding went some way to providing compensation.

With the exceptions of Albany, whose lands were located abroad, and Lennox, who held lands in England in addition to the Scottish estates to which he was restored in 1565, Moray had the fewest opportunities to visit his earldom during his regency. Whilst he probably stopped at his main seat, Darnaway, during the justice ayre to the Highlands in 1569, this was the only occasion during his rule when it might have been possible for him to do so. Similarly, as prior of St Andrews, Moray retained a house in the town and, once again, the 1569 justice ayre provided the only obvious occasion to use

¹⁰³ Lennox to Burghley, 25 Aug. 1571, TNA SP52/21 f. 36.

¹⁰⁴ RPC, II, pp. 320–677.

¹⁰⁵ Brown, *Noble Society*, p. 42.

this property as regent.¹⁰⁶ In their absence, the regents' magnatial responsibilities devolved upon their kin. In Moray's case, it appears likely that his wife, Annas Keith, took on his duties as 'earl of Moray'. Unlike Moray, Annas was a native of the area: her father's lands were nearby, and the earls of Huntly formed part of her extended kin-network. Unfortunately, little of the correspondence between the couple survives; however, a note from Moray to Annas during his exile in Newcastle in February 1566 reveals her ultimate control of his estates during this period.¹⁰⁷ The same arrangements probably continued when he was away from home during his regency. Annas' considerable abilities as an estate manager and political player were amply demonstrated after Moray's death, indicating a wealth of prior experience in this area.¹⁰⁸ Moreover, Pitscottie's claim that the 'Lady regent ... causit ane conventioun to be maid of gentilmen that favourit the regent to conveine at Cowpar of fyff' in response to Hamilton activity in the St Andrews area hints at more overtly political support.¹⁰⁹ Nevertheless, in contrast to queen consorts, there was no prominent public role in sixteenth-century Scotland for 'lady regents' or 'lady governors', as the spouses of male regents were entitled.¹¹⁰ Albany's wife Anne de la Tour remained in France. Lennox's wife, Margaret Douglas, was obliged to remain in England, presumably in order to secure his good behaviour in Scotland, and appears to have resided in London or at court.¹¹¹ Mar's wife, Annabel Murray, had her own responsibility of caring for James VI; whilst the wives of Arran and Morton, who were sisters, both became insane subsequent to their marriages, apparently succumbing to an inherited condition.¹¹² The focus of this book is on regency as a political office, but the mechanics of how regents' magnatial responsibilities were fulfilled during their rule would doubtless repay further investigation. In view of the increasing recognition of the important role played by female nobles in estate management and achieving family political objectives, in this area the line between 'regent' and 'magnate' appears particularly blurred.¹¹³

¹⁰⁶ For the contents of the house being seized after his death: Order from the council, 31 May 1570, NRAS 217, Moray muniments, Box 15, no. 2.

¹⁰⁷ Moray to Annas, 17 Feb. 1566, NLS MS 73 f. 13r.

¹⁰⁸ Her correspondence, NRSA 217, Moray muniments, Box 15, reveals her involvement in a variety of domestic and political affairs.

¹⁰⁹ Pitscottie, *Historie and Cronicles*, II, p. 214.

¹¹⁰ See, for instance, William Stewart to Glenorchay, 21 June 1570, in Jane Dawson (ed.), *Clan Campbell Letters* (Edinburgh, 1997), p. 160.

¹¹¹ Margaret Douglas to William Cecil, 8 Sep. 1570, TNA SP53/5 f.128; Margaret Douglas to William Cecil, 21 Sep. 1570, TNA SP53/5 f.136; Margaret Douglas to William Cecil, 5 Oct. 1570, TNA SP53/5 f.157; Margaret Douglas to William Cecil, 19 Aug. 1571, TNA SP53/7 f.45.

¹¹² For the insanity of Margaret and Elizabeth Douglas see: Amy Blakeway, 'The Attempted Divorce of James Hamilton, Earl of Arran, Governor of Scotland', *Innes Review* 61 (2010), pp. 1–23.

¹¹³ Dawson, *Campbell Letters*, pp. 23–5; Brown, *Noble Society*, pp. 139–42; Blakeway, 'Attempted Divorce', pp. 16–17.

Although incomplete, their itineraries reveal that regents maintained peripatetic households, providing continuity with the most successful Stewart monarchs.¹¹⁴ Scottish practice during minorities thus remained markedly different from contemporary England, where, by the reign of Henry VIII the growth of the English royal household and the increasing separation between administrative functions and household curtailed the English court's travels.¹¹⁵ In Scotland, by contrast, the court only 'settled in near-permanent residence' at Holyrood during James VI's majority.¹¹⁶ Minorities facilitated the continuation of traditional, peripatetic courts in Scotland: the household was smaller and regents had personal incentives to travel to visit their own lands. Morton's decision to remain closer to Edinburgh, although encouraged by the geographical location of his properties, can also be interpreted as part of a gradual trend during the second half of the sixteenth century which culminated in James VI's comparatively static court.

Architecture, Art, Image and Self-Promotion

Although regents used the royal palaces relatively rarely, and, as we saw in the previous chapter, spent very little on building, nevertheless they ensured that crown residences remained in good repair. Minor renovations occurred throughout Albany's rule, yet he apparently had limited interest in embarking on Scottish building projects.¹¹⁷ The scale of improvements he made at Dunbar and other castles is unclear, but it is likely these were primarily military in character.¹¹⁸ Similarly, Guise's architectural endeavours as regent were largely restricted to low-cost, small-scale repairs.¹¹⁹ Works under James VI's regents appear to have conformed to the pattern of previous minorities, amounting to maintenance or renovations, and rebuilding following the civil war, rather than extensions or substantial improvements.¹²⁰ In their limited

¹¹⁴ Wormald, *Court, Kirk, and Community*, p. 14.

¹¹⁵ Kisby, 'Kingship and the Royal Itinerary', p. 31.

¹¹⁶ Dennison and Lynch, 'Crown, Capital and Metropolis', p. 38; Juhala, 'An Advantageous Alliance', p. 338.

¹¹⁷ Treasurer's Account, 1515–16, NRS E21/13 f. 10v 28v; Treasurer's Account, 1516, NRS E21/14 f. 15v–16 18r; Treasurer's Account, 1517, NRS E21/16 f. 12v.

¹¹⁸ Marie Stuart, *The Scot who was a Frenchman: Being the life of John Stewart, duke of Albany in Scotland, France and Italy* (London, 1940), pp. 65–6; Thomas, *Princelie Majestie*, p. 59. Albany's works in Edinburgh castle are listed as a major period of building activities in the summary provided in the introduction to the master of work's accounts: H. M. Paton (ed.), 'Introduction' in *Accounts of the Masters of Works for Building and Repairing Royal Palaces and Castles* (2 vols, Edinburgh, 1957), I, p. xiii; Treasurer's Account, 1515–16, NRS E21/13 ff. 7–10, 13, 35v.

¹¹⁹ Treasurer's Account, 1554, NRS E21/46 f. 19; Treasurer's Account, 1554–5, NRS E21/47 ff. 25v, 32; *Masters of Works Accounts*, pp. 293–9.

¹²⁰ Building repairs under Morton: Treasurer's Account, 1571–4, NRS E21/102 ff. 143, 156v, 168v; Treasurer's Account, 1574–6, NRS E22/1 ff. 116v, 137v, 142v, 149, 152;

interest in building works, regents differed markedly from the ambitious building projects embarked upon by James V and his grandson.¹²¹

This focus on maintaining royal palaces in good repair rather than initiating large scale building works did not preclude a private interest in architecture, which Morton and Mar shared. Mar's Wark, an elegant and impressive town-house begun by the regent in Stirling, was never completed, implying that work commenced during Mar's regency, or shortly before he became regent, and was cut short by his death.¹²² Morton's investment in Aberdour included substantial interest in remodelling the garden, demonstrating an awareness of the potential importance of gardens as symbolic spaces for display which he shared with his brother-in-law.¹²³ Châtelherault too had a keen interest in building works, but, unlike other regents, he was willing to invest royal funds openly in his private residences. On 7 August 1550, for example, 'fyve fute of kelzerit glass with my lord gouvernouris armes' was transported to Hamilton, later that month 'gold fulze and gylting' were purchased for Walter Binning to employ to beautify the buildings, further improvements were made in other properties throughout the year.¹²⁴ Such attention to building projects on their own estates draws our attention to the importance regents attached to maintaining their status as magnates alongside their public duties.

Beyond his building projects, Arran also utilised existing royal household goods, such as tapestries, four cartloads of which were sent to Hamilton in 1543.¹²⁵ Some royal household items may have remained in his possession after he had relinquished power. Buchanan claimed that when Hamilton

Treasurer's Account, 1576–9, NRS E22/2 ff. 35, 57, 67v, 71v, 80v, 86v, 87, 92, 96v, 120, 122v; Edinburgh castle post-siege: Treasurer's Account, 1571–4, NRS E21/102 f. 142v; Treasurer's Account, 1574–6, NRS E22/1 ff. 46v, 57v–58, 66v.

¹²¹ See, for instance: Helena M. Shire, 'The King in His House: Three Architectural Artifacts Belonging to the Reign of King James V', in Janet Hadley Williams (ed.), *Stewart Style: Essays on the Court of James V* (East Linton, 1996), pp. 62–96. Aonghus Mackechnie, 'James VI's Architects and their Architecture', in Julian Goodare and Michael Lynch (eds), *Reign of James VI* (East Linton, 2000), pp. 154–69.

¹²² http://www.historic-scotland.gov.uk/index/places/propertyresults/propertydetail.htm?PropID=PL_278&PropName=Stirling:%20Mar's%20Wark (accessed 3 July 2009).

¹²³ N. Hynd and G. Ewart, 'Aberdour Castle and Gardens', *Garden History* 11 (1983), pp. 93–111 at p. 106. For a nineteenth-century depiction of Morton's horticultural pursuits during retirement: W. Ross, *Aberdour and Inchcolme* (Edinburgh, 1885), p. 204. For Châtelherault: Treasurer's Account, 1551–2, NRS E21/44 ff. 65, 70v, 71 103v; Treasurer's Account, 1552–3, NRS E21/45 ff. 31, 36v, 41v, 68. Châtelherault's gardens: Fiona Jamieson 'The Royal Gardens of the Palace of Holyroodhouse, 1500–1603', *Garden History* 22 (1994), pp. 18–36, at pp. 20, 26; Noble gardens more broadly: Charles McKean, 'The Scottish Renaissance Country Seat in its Setting', *Garden History* 31 (2003), pp. 141–61; Brown, *Noble Society*, pp. 208–10.

¹²⁴ Treasurer's Account, 1546–50, NRS E21/42 ff. 369, 370v; Treasurer's Account, 1550–1, NRS E21/43 f. 4; Treasurer's Account, 1551–2, NRS E21/44 f. 25; Treasurer's Account, 1546–50, NRS E21/42, ff. 363v–364, 371r–v; Treasurer's Account, 1550–1, NRS E21/43 f. 13v; Treasurer's Account, 1551–2, NRS E21/44 f. 94.

¹²⁵ Treasurer's Account, 1542–3, NRS E21/40 f. 25v.

castle fell to Lennox in 1571, it contained 'the Apparel, and other Household-stuff (*sic*) of King James the Fifth; that the Owner of the Castle, when he resigned up his Regency, had so solemnly sworn he had none of'.¹²⁶ Possible support for Buchanan's claim is found in the treasurer's accounts, although if so, the 'houshold-stuff' was not reclaimed in 1571 but rather during Moray's raid of May 1568, when materials were purchased 'for transporting of of (*sic*) certane graith [clothing and goods] fund in hammiltoun'.¹²⁷ This probably correlated to the 'guiddis and movabillis as was gottin out of the castell of hammltoun' which Moray's widow attempted to obtain in 1571, in an effort to pay Moray's debts incurred in his public office.¹²⁸ Whilst the fact that an ex-governor retained these royal goods after his regency incurred Buchanan's condemnation, it should be noted that his possession of royal goods during his regency was deemed acceptable. Indeed, in November 1569 Moray's secretary John Wood and another servant James Murray received between them quite a haul of the deposed queen's household goods. Wood took no fewer than eighty-six books, whilst Murray received a large quantity of liturgical textiles and 'dansyne cleise'.¹²⁹ Moray, who owned a library of which almost 100 volumes remain extant, extracted six further books for himself; he presumably intended to keep these, since additional volumes were 'tayne be my Lordis grace and brunt'.¹³⁰ The fate of the masking clothes is unclear, but the timing of their receipt in November hints at an anticipated role in Yule celebrations. However, English fugitives fleeing Elizabeth's wrath in the wake of the failed Northern Rising crossed the border to Scotland on 20 December and Moray immediately sprang into action to ensure their capture on Christmas Eve. It is likely that any plans for Yule 1569, involving masques or otherwise, would have been disturbed by these events.

Thus far we have largely considered regents' courts as institutions which, although peripatetic, largely spoke only to a small group of nobles or elite burghesses. The question of how far early modern governments either attempted to, or succeeded in, engaging members of the polity beyond these golden cages remains vexed. The coinage's efficacy as a method of self-promotion, for example, has been questioned in an English context, whilst the design influence exerted by engravers and other royal servants, rather than the ruler, limits the extent to which coins can be read as a planned monarchical strategy.¹³¹ Regardless of how many Scots closely analysed the devices on their loose change, coins issued during minorities reveal an attention to visual

¹²⁶ George Buchanan, *History of Scotland* (2 vols, London, 1733), II, p. 409.

¹²⁷ Treasurer's Account, 1568–70, NRS E21/58 f. 38.

¹²⁸ Annas Keith to Grange, 8 Mar. 1571, NRSA 217 Box 15, no. 1058.

¹²⁹ 'Inventaries of buikis ornamentis and dansyne cleise', Nov. 1569, NRS E35/10 ff. 1–4.

¹³⁰ 'Inventaries of buikis ornamentis and dansyne cleise', Nov. 1569, NRS E35/10 f.4v; D. W. Doughty, 'The Library of James Stewart, Earl of Moray, 1531–1570', *Innes Review* 21 (1970), pp. 17–30 at p. 21.

¹³¹ Sidney Anglo, *Images of Tudor Kingship* (London, 1992), pp. 118–19; Sharpe, *Selling the Tudor Monarchy*, p. 153.

representations consonant with adult monarchical rule. Whilst Albany does not appear to have influenced the coinage with personal motifs or badges, coins did feel the influence of James Hamilton, first earl of Arran, who headed the regency council during Albany's absence in France: unicorns issued from 1518 were made by adapting dies used in James IV's mint with the addition of a counter-mark shaped as a cinquefoil, one of the Hamilton badges.¹³²

Scots who looked at their change would have become used to the cinquefoil by the mid-sixteenth century since the first earl of Arran's strategy was substantially extended during his son's governorship. The second earl embraced numismatic opportunities to project his personal image in association with royal power, incorporating personal motifs alongside royal iconography: the Hamilton cinquefoil appeared on several coins, whilst 'IG' for 'Jacobus Gubernatore' flanked the royal crest on the 20-, 22- and 44-shilling gold pieces.¹³³ Such variations in the coinage potentially represent a gradual attempt to create an appropriate balance of royal symbols and Hamilton family badges.¹³⁴ Marie de Guise incorporated several personal references into the coinage; the cross of Lorraine, for example, appeared on silver and billon coins minted before Mary's marriage to the Dauphin. During their marriage, its use extended to gold coins but declined on lower-value base metal coins, making way for emblems symbolising the Franco-Scottish union.¹³⁵ In the case of symbols as subtle as the cinquefoil, which appears to an untrained eye simply as a flower or a star, or a cross edged in a particular manner, the number of merchants and customers who associated the motif with an individual or family may have been few, although initials were more overtly personal. Nonetheless, in incorporating personal emblems on the coins at the point they were minted, Arran's and Guise's behaviour marks a further point of contrast with their successors in post during James VI's minority.

The first two coinages of James VI's reign were issued during his minority, famously, both bore heavily politicised imagery, but references to regents had vanished. The first coinage period ran from 1567 to 1571, during which time the distinctive silver ryals, two-thirds ryals and one-third ryals in circulation disseminated a powerful statement about the new regime. The obverse showed the standard image of the royal coat of arms, but the reverse of the coin depicted a sword piercing a crown and bearing the legend 'Pro me si mereor in me' ('[this sword] is for me but against me if I deserve it'): a clear justification for the deposition of ungodly, tyrannous monarchs.¹³⁶ Sir James Balfour's 'Annals' credited Moray with extensive personal involvement with

¹³² Ian Stewart, *The Scottish Coinage* (London, 1955), p. 75.

¹³³ N. M. McQ. Holmes, *Sylloge of Coins of the British Isles*, 58: *Scottish Coins in the National Museums of Scotland, Edinburgh Part I 1526–1603* (Oxford, 2006), plates 14, 15, 16, 17, 24–30.

¹³⁴ Stewart, *Scottish Coinage*, p. 81.

¹³⁵ Holmes, *Scottish Coins*, p. 4 plates 17–23, 30–33; marriage to Dauphin: 34–41.

¹³⁶ Holmes, *Scottish Coins*, plates 62 and 63. See also: J. H. Burns, "'Pro mereor si mereor in me": Kingship and Tyranny in Scotland 1437–1587', in Robert von Friedeburg (ed.),

this coinage issue; certainly, in September 1567 the Privy Council approved the designs for the new ryall.¹³⁷ In 1572, by contrast, Parliament approved the uncontroversial design of thistles and the royal arms proposed for the half-merk piece.¹³⁸ In 1575, the first gold coin of the reign was struck.¹³⁹ This consisted of 20-pound pieces, bearing a profile portrait of James VI, carrying the sword of justice and lily of peace, reflected by the legend 'In utrunque paratus' (Prepared for either: i.e. for war or peace), whilst the obverse legend 'Parcere subiectis et debellare superbos' (to spare the conquered and defeat the proud) pointed towards hopes for the post civil-war kingdom.¹⁴⁰ Although none of these coins displayed iconography associated with the regent, Morton's family emblem, the Douglas heart, embellished by a star reflecting other aspects of his crest, was employed as an overstamp to distinguish true coins from forgeries during the civil war.¹⁴¹ The anonymous author of the *Historie of King James the Sext* claimed of money coined at Morton's command that 'albeit the King's armes were on the ane syde, yit a monument of his awin [Morton's] airmes was on the uthir syde extant in the mids of the croce; and as to the uthir, he causit thame be stampit with the mark of ane heart and ane starne'.¹⁴² This claim was made in the context of the author's broader critique of Morton's rule, in particular, condemning Morton's greed and rapacious attitude, and was accompanied by an assertion that Morton deliberately sought to defraud workmen engaged on repairing Edinburgh following the civil war by paying them in base money. There are no known examples of coins actually minted with Morton's arms, so it is likely that this author either misremembered or deliberately misrepresented Morton's visual impact on the coinage.

The main feature of the coinage remained the monarch's portrait. This was arguably especially significant during minorities, generally a time when few monarchical portraits were commissioned. There is no evidence in the treasurer's accounts for Scottish portraits commissioned during the minority of James V or of Mary, Queen of Scots, although Mary was painted whilst resident in France.¹⁴³ Uniquely, Morton commissioned a portrait of James VI in 1573, from an anonymous French artist.¹⁴⁴ In a reflection of the dearth of

Murder and Monarchy: Regicide in European History, 1300–1800 (Basingstoke, 2004), pp. 149–58.

¹³⁷ Sir James Balfour, 'Annals of Scotland', NLS MS 33.2.15 f. 317; RPC, I, p. 556.

¹³⁸ RPS, A1572/2/1. Date accessed: 13 September 2013.

¹³⁹ For details of the coinage periods see: Holmes, *Scottish Coins*, pp. 10–12.

¹⁴⁰ Holmes, *Scottish Coins*, plate 54, also p. 11.

¹⁴¹ Holmes, *Scottish Coins*, plate 31 (coin 913 has an especially good example of the countermark).

¹⁴² Malcolm Laing (ed.), *Historie and Life of King James the Sext* (Edinburgh, 1804), p. 245.

¹⁴³ John Guy, *My Heart is My Own: a Life of Mary, Queen of Scots* (London, 2004), pp. 80–1. The famous portrait of Marie de Guise on a green background was painted by Corneille de Lyon, c.1537, prior to her regency (SNPG number 1558).

¹⁴⁴ Treasurer's Account, 1571–4, NRS E21/102 f. 148v. This painting is probably the portrait of James VI as a boy held by the Scottish National Portrait Gallery (Acc. No. PG 992), although the fact that the artist was French challenges the gallery's attribution

monarchical portraits, there is no evidence for regents being painted whilst in office. Native Scots described as ‘painters’ during this period, such as the long-serving Walter Binning, undertaking court commissions between 1540 and 1579, were principally employed to decorate the royal palaces and provide scenery for dramatic spectacles, rather than to produce likenesses.¹⁴⁵ The lack of evidence for portraits commissioned by regents therefore cannot be read simply as a lack of interest or appreciation of the potential of the visual arts, but rather a dearth of opportunity to make acquisitions. The stunning portrait-pair of Moray and his wife Annas commissioned from Hans Eworth for their wedding in 1562, for instance, indicates an appreciation of the potential importance of pictures.¹⁴⁶ Furthermore, when the Dutch gold-pro prospector-turned-artist Arnold Bronkhorst visited Scotland shortly after Morton’s fall from the regency in 1579 he painted James VI and several other members of the nobility, probably including the single extant portraits of Morton and Châtelherault.¹⁴⁷

Evidence for cultural endeavours is notably less for James V’s minority than those of his daughter and grandson. Whilst Margaret Tudor’s apparent lack of engagement in these areas may simply be a function of the loss of her treasurer’s accounts, Albany’s eschewal of cultural activities is more surprising. Although there is no evidence of Albany commissioning literary or artistic works during his time in Scotland, he may have pursued such activities in France. His wife, Anne de la Tour, was certainly interested in books and art, since two magnificent illuminated manuscript volumes which she commissioned survive.¹⁴⁸ In both works, Anne is referred to as ‘Princess de l’ecosse’, and one contains a poem on the theme of the fortuitous astrological combination which oversaw Albany’s birth. The gifts of Venus, the Sun, Jupiter, Mars and Mercury apparently:

Luy promest puissance papalle	Promised him papal power
Venaint dela diuinite	Coming directly from God,
Absollue auctorite	Absolute authority,
Double couronne deux foyes Roy ... ¹⁴⁹	Doubly crowned, twice a King...

of the picture to Arnold Bronkhorst. My scepticism regarding the gallery’s attribution of this picture to Bronkhorst is shared by MacMillan: Duncan MacMillan, *Scottish Art, 1460–1990* (Edinburgh, 1990), p. 44.

¹⁴⁵ Carpenter, ‘Walter Binning’, p. 17.

¹⁴⁶ For a reproduction of these pictures see: Brown, *Noble Society*, plates 19 and 45. Roy Strong, *The English Icon: Elizabethan and Jacobean Portraiture* (London, 1969) pp. 94, 343.

¹⁴⁷ MacMillan, *Scottish Art*, p. 45. Strong, *English Icon*, pp. 137–8. This author believes Bronkhorst visited Scotland during the 1570s, but there is no definite evidence for a visit prior to 1579–80.

¹⁴⁸ ‘Armes de la Duché de Bologne’, c.1518–24, BN fonds français 20209; Genealogie de Madame Anne de la Tour, princesse de l’Écosse, c.1505–10, National Library of the Netherlands in the Hague, KB 74 G11. I have not consulted this latter work, but some of the illustrations are available to view online: <http://collecties.meermanno.nl/handschriften/showmanu?id=3351> (accessed 24 May 2014).

¹⁴⁹ ‘Armes de la Duché de Bologne’, c.1518–24, BN fonds français 20209 ff. 69v–70.

Anne's hopes for her husband, as predicted by this remarkable astrological favour, were, of course, never realised. Presumably the enigmatic 'two crowns' referred to Albany's hereditary right to Scotland and a possible conquest of England. This addition to their library demonstrates both the high hopes attached to Albany's governorship by the French political community, and the types of artistic and cultural patronage by which Albany was surrounded and had the potential to commission himself.

Conclusions

This chapter began by suggesting that the division between minority and majority courts has been overplayed, and that claims that minorities impeded the functioning or development of the court required reassessment. Courtly practices continued throughout minorities, even if they were scaled back by financial or political expediencies. Regents were clearly entitled to use royal palaces and goods alongside crown funds, nevertheless the extent to, and manner in, which they did so was far from uniform. Arran's household appears to have been the most quasi-regal amongst the regents, although this may in part be a function of superior evidence. Yet, even Arran's court was markedly different to those of previous adult monarchs: like his fellow regents, Arran did not engage in pilgrimages and did not follow a set pattern of movements throughout the year, his household was smaller and his expenditure lower than those of monarchs. His daughter's marriage pushed at the boundaries of regal, and the fact that it took place during a period of political crisis makes its scale more remarkable.

James VI's regents adopted a substantially more pared-back style than that enjoyed by their predecessors. Although we have a far from complete picture from any of the minorities, this point is supported by some compelling evidence: James VI's regents did not incorporate personal references into the minted coinage and the importance of literature and gifting declined. The cessation of such practices between 1570 and 1573 during the high point of civil war violence is unsurprising, but there is little evidence for courtly activities during Moray's regency, which immediately followed the active court of Mary, Queen of Scots, and the lack of a revival during Morton's post-war regency is noteworthy. Nevertheless, even this decline in certain types of activities did not entail a complete cultural deficit and, as sporadic references from English ambassadors affirm, despite their lower pressure on the royal purse, the courts of James VI's regents were swelled by visiting nobles who socialised with and, in so doing, presumably counselled, their ruler.

Although subtle, such variations contribute to a sense that a distinct change in the style of rule adopted by regents was beginning prior to the civil war, and that the disturbances of 1570–3 acted as a catalyst to confirm an existing trend towards pared-down courts. The distinction between Arran's and Morton's spending shows this in sharp relief. Clearly, something

had changed regarding regents' relationships with crown funds between the 1550s and 1570s. The fact that one of the great criticisms levelled against Mary by the King's Party was the luxury of her court may also have influenced James VI's regents' decision to preside over smaller scale establishments. The trope of the Marian court as a place of sin, saturated by wicked, lust-inspiring luxury, permeates Buchanan's *History*.¹⁵⁰ Indeed, the Marian court is set up in contrast with Moray's home, where, apparently, every mealtime was accompanied by biblical study.¹⁵¹ In order for such tirades against the previous regime to stand up, and to eschew accusations of excessive ambition, it was essential for James VI's regents to be seen to be presiding over establishments of a much smaller scale than previous regimes.

The evidence presented in this chapter for smaller, cheaper households cannot be employed to sustain one side of a feast/fast, majority/minority dichotomous model of the Scottish court. Differences existed between rulers' courts, but they were of degree rather than of type. However, some slow-moving changes can be observed across time, with the division between James VI's regents and their earlier counterparts being one. Just as developments during majority influenced regents' governance, changes which began during minorities continued to exert influence during the Stewarts' personal rules. James VI's court was far grander than anything his regents enjoyed, but its static nature represented a development of practice under Morton's regency. During the 1530s and 40s instability entailed time in the capital, yet from the mid 1570s onwards stability encouraged residence in Edinburgh rather than travels throughout the realm. Clearly, this newly capital-centred crown had broader implications for governance, in particular, for judicial administration and the degree to which this was observed by the ruler's watchful eye. Did regents attend justice ayres, sitting in judgment in person in the Tolbooths of Stirling, Perth or Aberdeen, or were criminal and civil causes delegated to the growing cadre of Edinburgh based advocates and administrators? We shall explore this question in the following chapter.

¹⁵⁰ Buchanan, *History*, II, p.286.

¹⁵¹ Buchanan, *History*, II, p. 395. Roger Mason, 'George Buchanan and Mary, Queen of Scots', *Scottish Church History Society Records* 30 (2000), pp. 1–27 at p. 23.

Justice and Regency¹

On 5 August 1568, a proclamation was issued in an attempt to reassert Moray's authority. The regent and council were concerned that disobedience was increasing, including, most perturbingly, amongst those who had previously accepted the regent's authority, 'alsweill in jugement as outwith sitting in place of judgement, executand judgment to his Hienes subjectis'.² This concern neatly underscores the importance of justice to early modern regimes; since justice was rulers' paramount duty, it was vitally important that they were seen to dispense it.³ On the other side of the coin, subjects' participation in the judicial process revealed, at the least, that the state successfully exerted *de facto* coercive power. Moreover, in an age when alternatives to the courts existed, participation could also demonstrate a belief in the efficacy of a ruler's justice, and, by inference, an acceptance of the ruler's legitimacy as a *de jure* governor. When, as occurred in August 1568, subjects refused to engage with the judicial process this exposed limitations to a regime's ability to coerce. Perhaps more worrying still, however, such refusal to participate could reveal a rejection of a regent's right to dispense justice and so, by extension, a rejection of their right to rule.

The sentence of doom pronounced upon the justice dispensed during royal minorities in Ecclesiastes 10:16, 'Woe is the land where the King is a child, for there never peace nor justice reigned', was pounced upon by fifteenth- and sixteenth-century chroniclers such as Walter Bower and Adam Abell, whence it has developed into a trope.⁴ Nevertheless, the applicability of these plaintive cries to the sixteenth-century regencies can be called into question. Abell's own prophecy of woe stands at a considerable distance from

¹ Many of the National Records of Scotland JC1 and JC2 records which constitute key sources for this chapter are not foliated; upon enquiry it was not considered advisable for the archive to add them in due to conservation reasons. Unfortunately, references to these documents therefore lack folio numbers, dates of events are given instead.

² RPC, I, pp. 633–4.

³ John Cairns, 'Historical Introduction', in Kenneth Reid and Reinhard Zimmermann (eds), *A History of Private Law in Scotland* (2 vols, Oxford, 2000), I, pp. 14–184 at p. 52; Roger Mason, *Kingship and the Commonweal* (East Linton, 1998), pp. 10–12.

⁴ Adam Abell, 'The roit or queheill of tyme', NLS MS 1746 f. 115–16; Alan Young, 'The Political Role of Walter Comyn, Earl of Menteith, during the Minority of Alexander III of Scotland', *SHR* 57 (1978), pp. 121–42, at p. 131.

his praise for Albany's rule, and the friar's critique of James' minority was largely directed towards the Douglas regime, not Albany's governorship, a prudent reflection of James' own perception of distinctions between his minority regimes.⁵ Abell was not alone in his assessment of the governor's abilities, since when Albany was present in Scotland the number of cases brought before the court of session rose, demonstrating a widespread confidence in Albany's ability to provide justice.⁶ As this example shows, there is considerable scope to unpick Ecclesiastes-based execration of justice during regencies. In considering the regent's place in the justice system, the first part of this chapter reveals that regents uniformly understood the importance of adopting the monarch's role in dispensing justice, both as a duty and as a mechanism of obtaining obedience. The second part, a case study of the peripatetic justice ayres and their static offshoot the justiciary court, moves to consider how regents converted this understanding into concrete action. Nevertheless, as the proclamation of August 1568 highlights, the level of co-operation secured by individual regents varied, both between and within reigns.

By the sixteenth century the Scottish legal system comprised a network of courts with overlapping, and sometimes competing, jurisdictions. The tensions which could arise from these overlapping jurisdictions are clearly illustrated in a case heard by the privy council during Morton's regency. On 3 April 1576 one James Menzies compeered to complain about the behaviour of the earl of Atholl, with whom he had previously been engaged in 'deidlie feid', but now the two were 'reconcilit'.⁷ As a magnate who held commissions of lieutenancy and justiciary from the monarch, Atholl was a particularly problematic enemy. In recognition of this, Menzies had been granted an exemption from Atholl's aforementioned commissions. Responsibilities for Menzies' legal affairs thus transferred to the jurisdiction of the central authorities, represented by the Justice General in criminal causes, and the court of session or, at a more local level, the sherriff of Perth, in civil causes. However, Atholl had ignored both the conclusion of the feud and Menzies' exemption from his jurisdiction. Instead, Menzies averred, Atholl was using his commission as an excuse to continue to harass Menzies and his tenants, 'intending partiallie under cullour of justice to put tham to deith'.⁸ To resolve the matter, the council requested to see the relevant paperwork. Instead of producing the commission, however, Atholl's procurators cited an act of parliament from James V's reign to claim that the privy council had no right to hear the case on the grounds that civil matters fell to the exclusive jurisdiction of

⁵ For more on Abel see: Alasdair M. Stewart, 'The Final Folios of Adam Abell's "Riot or Quheill of Tyme": an Observantine Friar's Reflections on the 1520s and 30s', in Janet Hadley Williams (ed.), *Stewart Style, 1513-1542: Essays on the Court of James V* (East Linton, 1996), pp. 227-53.

⁶ W. K. Emond, 'The Minority of King James V 1513-1528' (Ph.D. thesis, University of St Andrews, 1988), pp. 68-9, 117-20, 294.

⁷ RPC, II, pp. 515-17.

⁸ RPC, II, p. 516.

the session. In response, David Borthwick, the King's Advocate, cited an act of parliament from the reign of James III, which stated that the monarch of Scotland retained the right to hear any cases 'at thair plesour'.⁹ Therefore, as regent, Morton had every right to hear this particular case in the privy council. Rather unsurprisingly, the council agreed with Borthwick and concluded that they were 'judgis competent to the said caus'.¹⁰

Several general points can be drawn from this specific example. First, that multiple courts with potentially overlapping jurisdictions co-existed alongside each other, and in interaction with informal methods of dispute resolution. As a result of this, defendants and persuars alike enjoyed a degree of choice in selecting where their case was heard. This degree of choice was, of course, exercised with varying success: Menzies secured his preferred forum of the privy council but Atholl's attempt to procure a change in jurisdiction was unsuccessful. Secondly, this example draws our attention to the personnel of the legal system. Great magnates, such as Atholl, retained a crucial role, particularly in the localities; however, professionals, such as Borthwick, were taking an increasing role in legal business. For instance, Borthwick's office of king's advocate was an innovation of the sixteenth century, one of several developments tending towards the increasing professionalization of the law.¹¹ The statute cited by Borthwick confirms the crown's continued centrality in the judicial system. The fact that the case subsequently disappears from the council register raises the possibility that an informal solution was eventually reached, and demonstrates the difficulties encountered by historians in tracking individual cases and making pronouncements on the practical functioning of early modern justice more broadly. Historians have long recognised many of these elements as significant to the early modern Scots legal system, although they remain worth reprising here since they constitute essential background to this study. By contrast, Borthwick's identification of the extent to which regents adopted the monarch's legal persona is perhaps more controversial, or at the least, under-appreciated, and it is therefore an excellent point of departure for a consideration of regents and the justice system.

Regents and the Justice System

During minorities, regents assumed the monarch's role in the judicial system: they sat in judgement in the justice ayres or privy council; an attempt to kill a regent constituted treason; and they summoned parliaments to pass

⁹ RPC, II, p. 517.

¹⁰ RPC, II, p. 517.

¹¹ John Finlay, 'James Henryson and the Origins of the Office of the King's Advocate in Scotland', *SHR* 79 (2000), pp. 17–38; Roger Mason, 'Laicisation and the Law', in L. A. J. R. Houwen, Alasdair A. MacDonald and Sally Mapstone (eds), *A Palace in the Wild: Essays on Vernacular Culture and Humanism in Late-Medieval Scotland* (Leuven, 2000), pp. 1–25, at pp. 12–13.

legislation which continued to bind subjects beyond the monarch's assumption of their majority and into subsequent reigns. The interest in codifying Scots law developing under Mary was shared by her son's regents who confidently initiated discussions, amongst other things, regarding the integration of the distinctive legal system of Orkney and Shetland with that of the mainland.¹² The extent to which a regent represented their monarch in the legal system is nicely demonstrated by the Dictionary of Scots Law written by the judge David Chalmers in 1566, which has no entries for the words 'Governor' or 'Protector'; rather, to establish the meaning of these terms, the reader was directed to the entry for 'King'.¹³ Foremost amongst the monarch's duties was, of course, the obligation to dispense impartial justice.¹⁴ That this was the case for regents too is demonstrated by the English Queen Elizabeth's understanding that a replacement regent was necessary following Moray's assassination 'to take the charge as a governor or superior ruler, specially for administration of lawe and Justice'.¹⁵

Regents themselves accepted that, as the monarch's representative, dispensing justice was one of their foremost duties; as Albany explained, the very purpose of his presence in Scotland was 'to caus Justice to be kept'.¹⁶ However, whilst Albany enjoys a deserved reputation for judicial engagement and efficacy, the same cannot be claimed for all of his colleagues. Most notably, Morton's entire judicial policy provoked conflicting contemporary reports and his reputation in this area is worth considering. The praise which the minister James Melville had for Morton's judicial policy emphasised its efficacy. Melville explained that Morton was 'a guid Justiciar in administration. His fyve yeirs war estimed to be als happie and peaceable as euer Scotland saw. The name of a Papist durst nocht be hard of; ther was na theiff nor oppressour that durst kythe'.¹⁷ This was partly thanks to the regent's hands-on approach: Melville described how Morton 'oftentymes ... haid wrysted and throwin iudgment' in the Edinburgh Tolbooth throughout his regency.¹⁸ Since Melville severely criticised Morton's religious policy, it is likely that his praise for these aspects of Morton's government was more than an unthinkingly conventional expression of a ruler's virtues. Support for the idea that Morton was an effective source of justice was found in a complaint made before the privy council on 14 February 1576 by Nichol Oliverson, a native of Orkney who had been absent for forty years but had now 'hering

¹² Julian Goodare, *Government of Scotland 1560–1625* (Oxford, 2004), pp. 76–8, 85. Julian Goodare, 'The Scottish Parliamentary Records, 1560–1603', *Historical Research* 72 (1999), pp. 244–67 at 256–7.

¹³ David Chalmers, 'Dictionary of Scots Law', 1566, BL Add. MS 27472 f. 169r.

¹⁴ Mason, *Kingship and the Commonweal*, p. 10.

¹⁵ Elizabeth to Sussex, 2 July 1570, BL, Cotton MS Calig. C.II, f.275v.

¹⁶ Minutes of council meeting, 28 Sept. 1515, *Acta Dominorum Concilii*, 1515–16, NRS CS5/27 ff. 73v–74.

¹⁷ G. R. Kinloch (ed.), *Mr James Melville's Diary* (Edinburgh, 1820), p. 47.

¹⁸ Kinloch (ed.), *Mr James Melville's Diary*, p. 83.

justice to be ministrat the better within Orkney sen my Lord Regentis Grace regiment than afore' had decided to pursue his claims to his father's land.¹⁹ This flattery may not have been entirely unfounded, since Morton had imprisoned Robert Stewart, earl of Orkney, on substantiated 'charges of oppression, piracy and "sklent dealings" with Denmark' the previous August.²⁰

More ambiguously, the author of the *Historie of King James the Sext* asserted that John Sempill of Beltrees had conspired to kill Morton following a land dispute before the Session which Beltrees had lost since 'the Regent himself sat in judgement for this caus, as he did for mony utheris'.²¹ Sempill was not punished, and another alleged would-be assassin, John Quhitefurd of Miltoun, was eventually freed from suspicion since he had not confessed, even when under 'extreme tortor'.²² Although this author casts substantial doubt over the quality of Morton's judgement, and suggests acquisitiveness as a motivating factor in Morton's judicial activities, he nevertheless acknowledged Morton's active involvement in the judicial process. This assessment was largely shared by courtier and diplomat James Melville of Hallhill (no relation of the minister cited above), who claimed that Morton had 'under pretext of iustice ... committ dyvers wrangis and extorcions', whilst grudgingly accepting that Morton 'held the contre under gret obedience in ane establissit estait, better nor many yeares of before nor yet sen syn'.²³ Given that Melville's account finished in 1593, this is a striking endorsement of Morton's efficacy during his six years as regent, as compared with James' first nine years as an adult monarch. However, Melville's conflicting views draw our attention to an important point about the administration of justice: raising substantial sums of money did not necessarily preclude the possibility that other outcomes, such as quietness, the punishment of crimes, or a perceived reduction in criminality, were also achieved. Moreover, judicial efficacy and objectives altered over time, as Pitscottie's observations in relation to Arran's judicial activities show. After decrying Arran's failure to punish a murder committed in his presence and claiming that this omission had led to a curse upon his house, Pitscottie averred that 'the governour was weill obeyit in all thingis quhill at last he and the bischop his brother begane to grow cowettous and gredy and held iustice airis throw all Scotland wnder pretence of iustice ffor to fill thair baggis and pookis witht money'.²⁴ The same individual could be negligent, effective, or corrupt in different circumstances.

¹⁹ RPC, II, p. 288.

²⁰ Peter D. Anderson, *Robert Stewart, Earl of Orkney, Lord of Shetland* (Edinburgh, 1982), p. 89.

²¹ M. Laing (ed.), *The Historie and Life of King James the Sext* (Edinburgh, 1804), p. 259.

²² Laing (ed.), *The Historie and Life of King James the Sext*, p. 260.

²³ Sir James Melville of Hallhill, *Memoirs of His Own Life, 1549–1593*, ed. Thomas Thompson (Edinburgh, Bannatyne Club, 1827), p. 260.

²⁴ Robert Lindsay of Pitscottie, *The History and Cronicles of Scotland from the Slaughtur of King James the First to the ane thousande fyve hundreith thrie scoir fyftein zeir*, ed. Æ. J. G. Mackay (3 vols, Edinburgh, 1899–1911), II, p. 111.

These accounts highlight several important themes. Perhaps most striking is the distinction between judicial activity and perceived judicial efficacy: courts were sitting under both Arran and Morton, the question was rather whether or not they provided justice for those who attended. A distinction between holding the realm in 'quietness' and receiving obedience, *versus* delivering just verdicts in individual cases, is also visible. The distinctions between activity, obedience and efficacy also point to the potentially conflicting aims surrounding early modern judicial administration. In addition to potential disagreements between parties over culpability (a defendant and persuar are unlikely to agree upon the most 'just' outcome to a given case), judicial administration was itself embedded in broader governmental structures. Justice ayres, to which we will return below, provided opportunities to raise income, and broker political consensus, as well as to address problems of criminality. Even whilst addressing criminality judges could face competing imperatives, namely, punishment versus assythement, a settlement between victim and perpetrator designed to prevent further antagonism. Despite doubts over the integrity of individual regents, the perception that regents existed to provide justice as though they were the monarch was strong. This was forcefully articulated by the Scottish council in 1515: one of its first acts under Albany's governorship confirmed that treason proceedings should 'haue strencht and effect siklyk as thai war direct in the kingis name'.²⁵ This was put into practice in 1516, when the Humes were prosecuted for treasonable intercommuning with the English, resulting in the execution and forfeiture of David Hume of Wedderburn.²⁶ Arran similarly pursued Cardinal Beaton's murderers as traitors.²⁷ Even whilst engaged in besieging the murderers in St Andrews castle, Arran ensured that justice for other subjects continued unimpeded: the courts which usually sat in Edinburgh were required to relocate to St Andrews where he and the nobility were assembled.²⁸

Arran's prosecution of Beaton's murderers featured prominently in the most detailed account of Scots treason law produced in the sixteenth century, 'La Discours Particulier D'Escosse'. This was written at Marie de Guise's instigation by the Justice Clerk, John Bellenden, and Clerk Register, James MacGill, to provide Mary, Queen of Scots, with an overview of Scottish government and administration.²⁹ Hitherto, it has been accepted that the detailed accounts of treason proceedings against nobles implies that

²⁵ Minutes of council meeting, 22 Aug. 1515, *Acta Dominorum Concilii*, 1515–16, NRS CS5/27 f. 52.

²⁶ Emond, 'Minority of James V', pp. 119–25.

²⁷ Minutes of council meeting, 3 Aug. 1546, *Privy Council Register*, 1545–8, NRS PC1/1 f. 35v.

²⁸ Minutes of council meeting, 6 Oct. 1546, *Privy Council Register*, 1545–8, NRS PC1/1 f. 44v.

²⁹ NLS 35.1.5 f. 310–34. See also: James Makgill (sic) and John Bellenden, *Discours Particulier d'Escosse: escrit par commandement et ordonnance de la Royne douairiere et regente* (Edinburgh, Bannatyne Club, 1824); P. G. B. McNeill, 'Discours Particulier D'Escosse,

‘La Discours’ was produced with the specific intention of deciding whether Châtelherault could be tried as a traitor in the wake of the Reformation rebellion.³⁰ Whilst this might have been the case, it is surprising that such an exercise was deemed necessary: the large number of examples of treason proceedings during regencies, including several very recent cases of which Guise would have been cognisant, demonstrated that regents’ powers to inflict the most severe penalties of forfeiture of life, goods and heritage were exercised regularly.³¹ Basing their case on a parliamentary act of James II which claimed ‘que nul ne fait rebellion contre la personne du roy, ny contre son autorité’, MacGill and Bellenden demonstrated that treason comprised attacks on the monarch’s authority as well as on his or her person.³² Not only could regents prosecute for treason, then, but treason was a concept which stretched to encompass attacks on a range of monarchical officers, including Lyon King at Arms and the chancellor.³³ It certainly encompassed attacks on regents. ‘La Discours’ cited the example of John Somervell, lord of Camnethan’s attack on James Hamilton, first earl of Arran, and James Beaton, archbishop of Glasgow, whilst acting as regents during Albany’s absence in 1520.³⁴ Insult had been added to injury since the two regents were attacked whilst undertaking ‘l’administration de la iustice’.³⁵ Moving beyond ‘La Discours’, into James VI’s minority, the assassinations of Moray and Lennox were both deemed treason, as was John Sempill’s ‘conspiracie of my lord Regentis graces slaughtare’, discussed above, and Violet Mar’s attempt by means of ‘sorcerie, wichecraft and intentatioun with Innocatioun of spreittis’ to kill Morton, both in 1577.³⁶

1559/60’, in David Sellar (ed.), *The Stair Society Miscellany Two* (Edinburgh, 1984), pp. 86–131.

³⁰ McNeill, ‘Discours Particulier D’Escosse’, p. 87; Pamela Ritchie, *Mary of Guise in Scotland 1548–1560: a Political Career* (East Linton, 2002), pp. 237–8, discusses the significance of ‘La Discours’. The latter discussion is marred by the author’s misapprehension that the person called ‘James Hamilton earl of Arran’ who, as then regent, initiated treason proceedings against Hume of Wedderburn was Guise’s immediate predecessor, the second earl of Arran, later styled Châtelherault. In fact the earl of Arran who acted against the Humes of Wedderburn in 1520 was Châtelherault’s father, the first earl, acting in his capacity as one of the regents appointed when Albany visited France between 1517 and 1521.

³¹ Makgill (sic) and Bellenden, *La Discours*, p. 26.

³² Makgill (sic) and Bellenden, *La Discours*, p. 24. ‘that no-one rebel against the person of the King, nor against his authority’. The Act in question was probably: RPS, 1450/1/13. Date accessed: 12 June 2013.

³³ For attacks on Lyon as treason: Carol Edington, *Court and Culture in Renaissance Scotland: Sir David Lindsay of the Mount* (Amherst, MA, 1994), p. 41; Emond, ‘Minority of James V’, p. 78; RPS, A1516/11/4. Date accessed: 4 April 2014. For chancellor-slaying as treason: Privy Council Register, 1545–8, NRS PC1/1 f.35v.

³⁴ *La Discours*, p. 26.

³⁵ *La Discours*, p. 28. ‘the administration of justice’.

³⁶ Laing (ed.), *The Historie and Life of King James the Sext* p. 259; Justiciary Court book of adjournal, 1576–84, NRS JC2/1 ff. 56, 70.

More controversially than pursuing traitors, regents were also able to grant remissions for crimes, thus resolving a case out of court in return for the accused paying a fine to the crown and providing compensation to the victim's family.³⁷ They could also grant respites, whereby a payment was made to the crown to keep a case out of court whilst a process of arbitration, which might lead to a remission, took place. Remissions have been assessed in divergent ways by both historians and contemporaries. For historians interested in dispute resolution outwith crown channels, such as Keith Brown's classic examination of blood feud, remissions have been assessed in positive terms. Brown strongly avers that granting a remission 'was not ... a sale of justice', emphasising the important role which remissions could serve in the resolution of a feud, by lending the crown's blessing to the forgiveness offered by a victim's kin, although Brown acknowledges that 'the system was open to abuse'.³⁸ This largely rosy view of remissions reflects the crucial interplay between concerns of the crown and the concerns of the victim which were balanced by the assythement process. Nevertheless, when granted in large quantities, remissions could prove controversial, as both James III and James IV discovered.³⁹ Such criticisms might reveal that the crown had failed to ensure adequate recompense for the victim's kin or a failure to obtain letters of slains (whereby the victim and their kin discharged the perpetrator of their crime) to accompany the remission. Alternatively, these criticisms of remissions could reveal tensions surrounding whether remissions were in fact an appropriate method of resolving certain disputes. Potentially, sharper distinctions need to be drawn between types of crime being remitted, and amongst their victims and perpetrators.

It is, however, clear that from the crown's perspective remissions had important functions beyond the resolution of feuds. Financial gain was a perennial motivating factor, but remissions could also be employed to foster a sense of unity and dependence on a regime.⁴⁰ More unusually, they could be used to meet a specific political objective. In 1519, for example, remissions were offered for any crime, with the exception of the murder of Albany's lieutenant, de La Bastie, on the proviso that the criminal would leave Scotland and fight for Christian II of Denmark against his rebels.⁴¹ On this

³⁷ Keith Brown, *Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh, 1986), p. 56. For clarification of Scottish pardons more generally see: Jackson Armstrong, 'The Justice Ayre in the Border Sherifffdoms, 1493–1498', *SHR* 92 (2013), pp. 1–37 at p. 30–3. It is worth noting that the word 'remission' could also denote being absolved from paying a particular fine, rather than being used in relation to the crime itself, and that the examples discussed above in chapter three were largely remissions granted in this context.

³⁸ Brown, *Bloodfeud*, p. 56.

³⁹ Norman Macdougall, *James IV* (Edinburgh, 1989), p. 164; Cairns, 'Historical Introduction', p. 53.

⁴⁰ Emond, 'Minority of James V', pp. 162, 538.

⁴¹ *Acta Dominorum Concilii*, 1518–19, NRS CS5/32 f.181.

occasion, the domestic objective of securing quietness could be happily married to broader international concerns. Despite their undoubted usefulness in instances when the judicial objective in view was reconciliation rather than punishment, remissions could also potentially reveal a regime's weakness. A remission for, say, supporting a rebel, might indicate a regime attempting to return dissenters to the fold, the inability to enforce punishment, or, indeed, both.

Like the criticisms of James III and James IV, there are several examples of regents being reprimanded for failing to grant remissions in an appropriate manner. In October 1545, the council expressed concerns that because Arran was granting an excessive number of remissions, 'swa is all Justice frustrat and na ordour kepit and oure souerane ladyis autorite contempnit'.⁴² Arran accordingly agreed to cease this behaviour. Nevertheless, it is hard to find much evidence for the source of this concern: during the twelve months before the ban was imposed only eighteen remissions, and twenty-eight respites, can be identified in the Register of the Privy Seal, several of which were for treasonable support of Anglophiles such as the earls of Lennox or Glencairn.⁴³ One unusual respite, penned in Latin rather than Scots, was to endure until Mary's act of revocation rather than for the more usual set time period of, often, nineteen years.⁴⁴ Likewise, the treasurer received income from two remissions for the crime of disputing the scriptures, four sums due from the perpetrators of violent crimes, and seven payments relating to absence from various hosts.⁴⁵ However, these relatively few remissions may have represented the tip of an iceberg: Jackson Armstrong's study of the late fifteenth-century ayres has highlighted that the remissions which passed under the privy seal were likely to have been the exceptionally fraught cases 'which escalated beyond the initial tender of mercy and recompense'.⁴⁶ Many settlements would not have been recorded in the Registers of the Seals, and this lack of documentation suggests that most of these were satisfactory to the parties. In March 1547 a further injunction against remissions was issued, for which there is more obvious evidence for concern.⁴⁷ During the previous twelve months, thirty-two remissions were granted, twenty-four of which were related to treason during the war with England.⁴⁸ Of sixty-seven

⁴² Minutes of council meeting, 31 Oct. 1545, Privy Council Register 1545–8, NRS PC1/1 f. 23v.

⁴³ RSS, III, 937, 943, 948, 949, 951, 954, 1005, 1011, 1025, 1046, 1080, 1097, 1107, 1118, 1139, 1141, 1158, 1159, 1206. Twenty-eight respites were also granted during November 1544–October 1545.

⁴⁴ RSS, III, 1006.

⁴⁵ Treasurer's Account, 1543–6, NRS E21/41 ff. 23–24v.

⁴⁶ Armstrong, 'The Justice Ayre', p. 31.

⁴⁷ Minutes of council meeting, 17 March 1547, Privy Council Register, 1545–8, NRS PC1/1 f. 56.

⁴⁸ RSS, III. Remissions for treason etc.: 1595, 1615, 1667, 1755, 1756, 1758, 1759, 1822, 1836, 1856, 1870, 1875, 1893, 2028, 2087, 2089, 2121, 2152, 2169, 2171–6; remissions for crimes against individuals: 1739, 1952, 2016, 2077, 2128, 2139, 2178, 2184.

respites, thirty-four were likewise for offences directly against the crown, pre-eminently for failure to support or actively undermining the war effort.⁴⁹ Since such a high proportion of the remissions and respites which passed the seals were related to treason or failure to support the prosecution of war, it is possible that Arran was attempting to reconcile former Anglophiles for political reasons, whilst some members of the privy council would have preferred a more punitive approach.

Controversy surrounding remissions continued into James VI's minority, emerging with particular prominence, for instance, in 1567.⁵⁰ The anonymous pro-Queen's Party author of the *Historie of King James the Sext* consistently critiqued Moray and Morton alike, asserting that their judicial activities were motivated by a desire for personal financial gain rather than a concern to administer justice.⁵¹ Morton's remissions of the 1570s, however, represented an innovation in this area: as well as raising income, some remissions released individuals from financial obligations to the crown.⁵² This raises the problematic possibility, as hinted in the *Historie of King James the Sext*, that Morton's remissions masked a system whereby he received a proportion of fines to his private use, thus reducing crown income.⁵³ Setting aside the high possibility that Morton was cheating the crown from the profits of remissions as well as from the mint, it should be recognised that, in granting remissions, rulers treated judicial matters as fully integrated with the rest of the political system, to be considered in conjunction with financial and political imperatives. Concerns surrounding remissions point to broader tensions between this integrated approach, and the attitude of complainants, who addressed dispensing justice in greater isolation from other aspects of governmental business.

During the civil war a crucial exception to the usual practice of regents granting remissions developed. After Moray's death, successive regents were bound by their inauguration oaths not to grant remissions for the assassinations of Darnley, Moray and, later, Lennox. This served a rhetorical and polemical point. By emphasising that these assassinations were too heinous to be remitted, the King's Party asserted their legitimacy by associating

⁴⁹ RSS, III. Respites for treason etc.: 1677, 1678, 1688, 1711, 1724, 1743, 1789, 1731, 1851, 1890, 1902, 1918, 1919, 1927, 1930, 1940, 1958, 1963, 1975, 1987, 1996, 2035, 2068, 2079, 2098, 2102, 2107, 2142, 2145, 2150, 2165, 2179, 2187, 2188. Respites for crimes against individuals: 1592, 1598, 1641, 1654, 1701, 1707, 1710, 1712, 1755, 1778, 1797, 1795, 1798, 1806, 1808, 1810, 1814, 1849, 1859, 1907, 1924, 1968, 1971, 1991, 1998, 2005, 2011, 2019, 2049, 2099, 2144, 2199, 2167.

⁵⁰ Claire Webb, 'The "Gude Regent"? a Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots and the Scottish Regency 1567–1570' (Ph.D. thesis, University of St Andrews, 2008), p. 67.

⁵¹ Laing (ed.), *Historie and Life of King James the Sext*, Moray: p. 68; Morton: pp. 238–9, 241–2, 253–4, 256–8.

⁵² See, for example: Treasurer's Account, 1571–4, NRS E21/102 f. 156v–7; Treasurer's Account, 1574–6, NRS E22/1 ff. 51v–52r.

⁵³ G. R. Hewitt, *Scotland under Morton, 1572–80* (Edinburgh, 1982), p. 150; A. L. Murray, 'Introduction' in TA, XIII, p. xiv.

themselves with delivering justice, and their political opponents with treasonable murder. By contrast, some members of the Queen's Party were concerned that any remission granted to them would be inadequate since James's status as a minor meant that he lacked 'poware off consent to remitt offences committed agains him'.⁵⁴ Effectively, this meant that a pardon for treason during James' minority would be worthless, a fact which the Queen's Party feared left open the possibility of reprisals.⁵⁵ These concerns elicited a sharp response from Elizabeth, who was then engaged in brokering a truce between the two parties. The English queen professed herself 'sorry to here such absurdetyes alledged ... as to mak doute of ye vallidyte of ye actes of kyngs in ther minority, tendyn to no deminution of ther Crowne but to ... administration and distribution of Justice and to turn war into peace'.⁵⁶ This observation that the exercise of full judicial powers was necessary during a minority and that regents' actions on behalf of their monarchs were *de facto* those of a monarch accurately reflected Scots practice.

In addition to formal rights and responsibilities, regents assumed equally important informal aspects of monarchical duties to provide justice by acting as arbiters in disputes.⁵⁷ In so doing, Arran, Moray, Mar and Morton would doubtless have drawn upon their prior experience as magnates, and they probably continued their activities in this capacity during their tenure as regent.⁵⁸ It is highly likely that Albany had undertaken similar activities in a French setting and that Guise, who was, as queen dowager, a major landowner, had also gained experience in this area. The picture is perhaps less clear for Margaret Tudor and for Lennox, who spent most of his life in France or England. Reliance on magnates in governance during monarchical majorities has long been recognised as a point of continuity with minority government.⁵⁹ In 1561, for example, Moray, assisted by Morton, presided over a justice ayre on the border in Mary's absence.⁶⁰ It should also be recognised that the significance of magnates to judicial administration ensured that when magnates were elevated to the regency they brought with them first-hand experience of dispute resolution.

Unfortunately, the traces of disputes resolved outside the courts are hard to identify and evidence is often partial. This difficulty is demonstrated by a case

⁵⁴ Kirkcaldy and Lethington, 'Instructions to Andrew Melville', 18 Nov. 1571, TNA SP52/21 f. 200.

⁵⁵ Kirkcaldy and Lethington, 'Instructions to Andrew Melville', 18 Nov. 1571, TNA SP52/21 f. 200; 'The answer of ye Castellians to ye Queen Majesty's Commissioners', 4 Mar. 1572, TNA SP52/22 f. 71.

⁵⁶ Elizabeth to Drury and Randolph, 17 Mar. 1572, TNA SP52/22 f. 103v.

⁵⁷ Jenny Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past and Present* 87 (1980), pp. 54–97 at pp. 66–76 especially; Brown *Bloodfeud*, p. 254.

⁵⁸ For lordship and arbitration: Brown, *Bloodfeud*, p. 48.

⁵⁹ Jenny Wormald, *Court, Kirk, and Community: Scotland 1470–1625* (Edinburgh, 1981), p. 14.

⁶⁰ T. I. Rae, *The Administration of the Anglo-Scottish Frontier 1513–1603* (Edinburgh, 1966), p. 264; RPC, I, pp. 184–7; Buchanan, *History*, II p. 286

raised before the council on 27 February 1514, when, John Forman, abbot of Killwinning, complained to the council that the friends of one Sybill Galloway had approached Margaret Tudor, alleging that he had raped Galloway.⁶¹ In response, Margaret had arranged for the objections against Killwinning to be publicised, which Killwinning claimed entailed 'gret dishonour to the kirk and kirkmen'. Whilst admitting to intercourse, Killwinning asserted that it had been consensual and that Galloway was neither maid nor wife nor widow at the time but 'als free to me as ony uthir'. His concession that intercourse had taken place and attempt to cast aspersions on Galloway's sexual history may well imply that she had a robust case. Ultimately, Killwinning wanted to ensure that the case was heard in an ecclesiastical court.⁶² It is highly tempting to read this as a further example of complainants seeking the forum which they felt would produce the most amenable response. Galloway's friends evidently saw Margaret as a more likely source of justice than an ecclesiastical court, whereas Killwinning envisaged that a satisfactory outcome could be best procured from his fellow ecclesiastics. More broadly, however, this points to the difficulties in obtaining evidence of complaints made through extra-institutional channels: there is no evidence of the initial complaint, or Margaret's response; Killwinning's objections to the council provide the only record of the case. The disputes recorded in the council registers doubtless only represent the tip of an iceberg of extra-judicial activity; nevertheless, they constitute clear evidence that regents personally participated in dispute resolution. On 4 May 1517, for instance, Hugh Montgomery, first earl of Eglinton, declared to the council that he was ready to submit to Albany's will in the matter of his feud with Cuthbert Cunningham, second earl of Glencairn.⁶³ Eglinton also requested a formal record of his refusal to be bound by a suggestion that he or his kin would pay a proposed 10,000 merk fine if one of them should harm Glencairn or his kin. Albany intervened, ordering that no further documentation should be given to anyone regarding the case, 'because he Intendit to end that mat[ter] betuix thaim within ij or iij dayis'.⁶⁴ Once Albany departed for France, however, the truce he had brokered collapsed.⁶⁵

Albany's behaviour was exactly comparable to Arran's. On 18 June 1546, Archibald Campbell, fourth earl of Argyll, and James Cameron each swore to

⁶¹ For Forman: D. E. R. Watt and N. F. Shead, *The Heads of Religious Houses in Scotland from Twelfth to Sixteenth Centuries* (Edinburgh, 2001) p. 128.

⁶² Minutes of council meeting, 27 Feb. 1514, *Acta Dominorum Concilii*, 1513–14, NRS CS5/26 f. 87v.

⁶³ For the background to this feud see: Steve Boardman, 'Politics and the Feud in Late-Medieval Scotland' (Ph.D. thesis, University of St Andrews, 1989), pp. 177–8, 274–80.

⁶⁴ Minutes of council meeting, 4 May 1547, *Acta Dominorum Concilii*, 1516–17, NRS CS5/29 f. 206.

⁶⁵ Minutes of council meeting, 17 Dec. 1519, *Acta Dominorum Concilii*, 1518–19, NRS CS5/32 f. 193; Minutes of council meeting, 18 Dec. 1522, *Acta Dominorum Concilii*, 1522–3, NRS CS5/33 f. 106.

leave the other unharmed. This promise was made in Arran's presence, and 'in signe and takin herof my lord gouvernour hes takyn baith *thair* handis'.⁶⁶ This description of Arran taking the aggrieved parties' hands to symbolise a new amity echoes earlier instances of physical gestures confirming political agreements and bonds of manrent.⁶⁷ Taking enemies' hands was highly symbolic: as the embodiment and representative of royal justice, Arran physically and metaphorically joined two enemies together. In addition to preventing cases from reaching the courts, regents were also permitted to intervene in judicial business even once it had come before the courts. On 30 April 1556, for instance, the justiciary court, at Guise's request, agreed to delay proceedings in the case of Dyoneise Caveris, a goldsmith, accused of murdering Walter Donaldson. On 20 May, Caveris received a partial remission from the regent. It seems probable Guise had intervened in the meantime.⁶⁸ Similarly, on 9 December 1567, the justiciary court was 'desert' at Moray's command and with the parties' consent, implying that a mutually acceptable solution had been arranged by Moray's intervention.⁶⁹

A more controversial instance of a regent intervening to secure informal resolution occurred in 1572, when Lennox sought to suspend a case before the commissary court in order that 'frendis may tak sum ordor *thairin* and his *grace* tak sum panis *thairin*'.⁷⁰ The case's origins stretched back to 1555, when one John Swyntoun had deceived Jane Danielstoun into believing that he would marry her, on which understanding she had consented 'to gif him the vse of hir body'.⁷¹ Danielstoun's mother, Katherine, then caught them 'togidder in bed', at which point Swyntoun affirmed 'that he meanit na dishonour to hir persoun & that he had faythfullie promiseit to solemnizat mariage with hir'. Although this must have been excruciatingly embarrassing for Jane at the time, her mother's nosiness was ultimately fortunate. Danielstoun's and Swyntoun's relationship endured for several years and they had children together, nonetheless, Swyntoun 'delayit to solemnize the said mariage' before, finally, in 1569, declaring his intention to marry someone else.⁷² The Danielstouns then initiated proceedings in the commissary court to prevent Swyntoun's marriage, and concurrently sought Lennox's intervention, who in turn requested a halt to proceedings in the commissary court.⁷³ As Lennox

⁶⁶ Minutes of council meeting, 18 June 1546, Privy Council Register 1545–8, NRS PC1/1 f. 33.

⁶⁷ Boardman, 'Politics and the Feud', p. 91; Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent 1422–1603* (Edinburgh, 1985), p. 22.

⁶⁸ 30 April 1556, 20 May 1556, Justiciary Court Book, 1555–7, NRS JC1/9.

⁶⁹ Justiciary Court Book, 1556–73, NRS JC1/13 f. 76.

⁷⁰ I am grateful to Tom Green for sharing this reference with me, and generously sending me his transcription to read whilst I was away from Edinburgh. Commissary Court Book, 1570–2, NRS CC8/2/5 f. 180v.

⁷¹ Commissary Court Book, 1570–2, NRS CC8/2/5 f. 184.

⁷² Commissary Court Book, 1570–2, NRS CC8/2/5 f. 184r.

⁷³ Commissary Court Book, 1570–2, NRS CC8/2/5 f. 180v.

was explicitly acting in a private capacity as a friend, the commissaries were uncertain if they could lawfully accede to his request. Whilst Lennox's ability to halt proceedings in his capacity as a friend was uncertain, the fact the commissaries deliberated over this matter suggests that if Lennox were acting strictly as regent stopping a case would have been acceptable.

Whilst the commissaries were deliberating, Lennox summoned Swyntoun before him.⁷⁴ Swyntoun had earlier failed to appear when summoned before the commissaries.⁷⁵ The fact he compeered before Lennox and confessed that he had indeed promised to marry Danielstoun suggests that for Swyntoun, royal justice, as represented in the person of the regent, was of greater force than that of the commissary court. For their part, the commissaries considered Swyntoun's confession particularly significant, since it had been 'maid in presence of my Lord Regentis *grace* bering the *persoun* & *authoritie* of oure soverane lord and the supreme Judge of this realme in all causes betuix *partye* and *partye* Is of greter strenth and effect nor it had bene maid in presence of ony vther inferiour iudge iudiciale'.⁷⁶ This case thus demonstrates that regents adopted both the crown's formal and informal judicial responsibilities: their involvement in justice extended well beyond a theoretical commitment into a practical, hands-on involvement. Since the case was heard in the commissary court, it likewise points to regents holding at least moral, if not directly religious, judicial responsibilities.

Lennox's involvement in the Danielstoun case demonstrates that an individual who was both a lord with personal responsibilities to his men and the embodiment of royal justice was subject to potentially conflicting pressures. The essential feature of lordship, namely, fulfilling particular duties to one's men, could quickly be set on a collision course against the essential duty of monarchy, to provide impartial justice. Even in cases when these two duties theoretically combined in the pursuit of one objective, in practice, problems could still arise: Lennox's obsession with revenging Darnley's death should have proved the perfect marriage of paternal passion and a regent's responsibility, yet Lennox's uncompromising attitude simply escalated tensions.⁷⁷ Experience of this failure might have influenced Lennox's successors. According to Melville of Halhill, Morton began his regency by paying lip service to the concept of impartial justice, promising not to act upon '*parcialites* past; and that the Regent suld not reuenge the Erle of Mortouns *quarelis*'.⁷⁸ Whether or not this conversation actually took place, in fact, Morton was far from forgetting his personal quarrels. He certainly continued his lordly duty as an arbiter, moreover, on occasion his personal vendetta against the

⁷⁴ Commissary Court Book, 1570–2, NRS CC8/2/5 f. 184r.

⁷⁵ Commissary Court Book, 1570–2, NRS CC8/2/4 f. 101v.

⁷⁶ Commissary Court Book, 1570–2, NRS CC8/2/5 f. 184r.

⁷⁷ Sarah MacCauley, 'Matthew Stewart, Fourth Earl of Lennox and the Politics of Britain, c.1543–1571' (Ph.D. thesis, University of Cambridge, 2006), p. 218.

⁷⁸ Melville of Halhill, *Memoirs of his Own Life*, p. 249.

Hamiltons impeded his ability to bring them into the king's peace following the end of the civil war.⁷⁹ Morton even used the Hamiltons' failure to compose for the death of a Douglas dependant as an excuse for his unwillingness to settle with them on behalf of James VI's regime.⁸⁰

Morton's harsh treatment of a particular noble family had monarchical precedent: James V's vendetta against the Douglasses, culminating in banishment and forfeiture, was an event of which Morton, as the son of Sir George Douglas and nephew of the earl of Angus, would have been painfully aware. Morton may even have experienced this persecution first-hand if claims that he joined his father and uncle in exile are accurate.⁸¹ James V punished a challenge to his authority made by a particular group of nobles with political exclusion, loss of land and exile; Morton did the same, albeit he only achieved the prize of Hamilton exile following his deposition as regent. Noting monarchical precedents does not negate the fact that Morton's overt attempts to diminish Hamilton power flouted provisions made to settle the post-war kingdom in the Pacification of Perth of 1573, nor does it override contemporary criticism of his partiality in justice. However, it does demonstrate that regents operated as part of a system of personal monarchy, within which the ideal of impartial justice was frequently sullied by the grubby reality of personalities, alliances and vendettas, pursued through both litigation and feud.⁸²

Regents and Justice Ayres

The foregoing discussion has established that regents assumed the monarch's judicial position and that, like monarchs, regents enjoyed varying success in balancing conflicting imperatives. However, to obtain a broader view of the extent to which regents fulfilled their duty to dispense justice a wider approach encompassing quantitative elements is necessary. The ayres and justiciary court represent a compelling choice for a study of the relationship between governmental change and judicial administration, since Scottish rulers, monarchs and regents alike, were expected to and, with variable frequency, actually did, attend the justice ayres. The ayre-attendance of individual rulers has traditionally constituted an important factor in forging their historiographical reputations since it represented active monarchical engagement with the process of dispensing justice, as well as providing

⁷⁹ Brown, *Bloodfeud*, pp. 49–50, 109, 114–16; Jamie Reid-Baxter: “Judge and revenge my cause”: the Earl of Morton, Andro Blackhall, Robert Sempill and the Fall of the House of Hamilton in 1579, in Sally Mapstone (ed.), *Older Scots Literature* (Edinburgh, 2005), pp. 467–92.

⁸⁰ Brown, *Bloodfeud*, p. 49.

⁸¹ Cameron, *James V*, pp. 41, 67; Hewitt, *Scotland under Morton*, pp. 2–3.

⁸² Mark Godfrey, *Civil Justice in Renaissance Scotland: the Origins of a Central Court* (Leiden, 2009), p. 447.

central justice at a regional level. Thus, James III's unimpressive record of ayre attendance compared with that of his successors, James IV and James V, is a key factor in his equally underwhelming reputation.⁸³ More broadly, personal attendance on an ayre was considered to be such an important part of 'good rule' by James IV that, shortly after his accession, legislation was passed requiring monarchical presence at every justice ayre.⁸⁴ Although this was evidently not strictly adhered to by either James IV or his successors, this act demonstrates the extent to which ayres were closely connected to the monarch. The willingness and frequency with which regents mounted their horses and rode to local courtrooms thus constitutes an important measure of their willingness to behave like adult Stewart monarchs, or, more accurately given the variable performance of the adult Stewarts in this area, to try to live up to the ideal of good rule. Since a study of regency's impact on any court also requires consideration of events during majorities as a point of comparison, considering the ayres and justiciary court is also attractive for broader reasons, since, to date, developments in criminal justice have not received comparable attention to the burgeoning interest in changes to civil justice.⁸⁵

Since ayres had several purposes and their occurrence was subject to multiple contingencies, no one-size-fits-all neat pattern can account for their varied activities. There was certainly no simple pendulum swinging from active to inactive ayres between adult and child rulers. Before considering variations in how frequently ayres were held, however, it is helpful to review the position of ayres in sixteenth-century Scotland. Although long an important part of political and judicial life in Scotland, the sixteenth century was a period of transition for the justice ayres. By 1503 the medieval system of two justiciars, each of whom presided over one of the two regions in which ayres were held, north and south of the Forth, was replaced with a single justice general who oversaw ayres throughout the realm.⁸⁶ In 1514, this office passed

⁸³ Wormald, *Court, Kirk, and Community*, pp. 14–15. Macdougall, *James IV*, pp. 164, 304.

⁸⁴ Macdougall, *James IV*, pp. 56–7.

⁸⁵ Work on the Session includes: A. Mark Godfrey, 'Jurisdiction in Heritage and the Foundation of the College of Justice in 1532', in Hector MacQueen (ed.), *Stair Society Miscellany IV* (Edinburgh, 2002), pp. 9–36; John Finlay, 'Foreign Litigants before the College of Justice in the Sixteenth Century', in Hector MacQueen (ed.), *Stair Society Miscellany IV* (Edinburgh, 2002), pp. 37–50; Gero Dolezalek, 'The Court of Session as a *Ius Commune* Court – Witnessed by "Sinclair's Practicks", 1540–9', in Hector MacQueen (ed.), *Stair Society Miscellany IV* (Edinburgh, 2002), pp. 51–84; R. K. Hannay, 'Early Records of the Council and Session', in *An Introductory Survey of the Sources and Literature of Scots Law*, Hector McKechnie (ed.) (Edinburgh, 1936), pp. 16–24; R. K. Hannay, 'Judicial Administration in Session and Justiciary', in *An Introductory Survey of the Sources and Literature of Scots Law*, pp. 396–411; R. K. Hannay, *The College of Justice: Essays on the Institution and Development of the Court of Session* (Edinburgh and Glasgow, 1933). Preeminent amongst this literature: Godfrey, *Civil Justice*.

⁸⁶ For a detailed examination of the late fifteenth century ayres see: Armstrong, 'The Justice Ayre in the Border Sherifffdoms'.

to the earls of Argyll on a hereditary basis, although most of the business was actually undertaken by the justice depute. In theory, the ayres were required to visit each region twice annually, but this level of activity was rarely, if ever, actually achieved.⁸⁷ Originally, the ayre's remit extended to both criminal and civil cases, but with the expansion of the session, the ayres became confined to criminal matters. As the century progressed, the justiciary court gradually developed in relation to the system of peripatetic ayres to form a central, static, criminal court. As such, the activities of the ayres must be considered in relation to and in tandem with those of the justiciary court.

The lawyer John Skene explained that 'Iustice aires suld be halden, for the in-creeze of justice & tranquillitie ... for stanching of combers, slaughters, riefes, thefts, extorsiones & oppression of the Kings lieges'.⁸⁸ From a governmental perspective, however, these important judicial functions were not the only service which ayres performed. Ayres allowed rulers to see and be seen by their subjects, and provided opportunities to impress – or even intimidate – provincial populations.⁸⁹ Moray's Highland ayre of 1569 can certainly be read in this light, providing an opportunity to assert his power as regent over Mary's supporters, and simultaneously to advertise his own power as a north eastern magnate over his local rival, Huntly. On a smaller scale, Morton used the 1574 Haddington ayre to punish John Davidson, author of *An dialog or mutual talking betuix a Clerk and ane Courteour concerning four parische kirks till ane minister*, which offered a stinging critique of Morton's regime.⁹⁰ Davidson was 'banished the cowntrey', sending a clear message to other potential critics. His printer, Robert Lekpreuik, was later punished by the privy council on the grounds that the work had been published anonymously.⁹¹

Whilst ayres could certainly be a mechanism of ruling through fear, they could also be used to build relations between the ruler and locality. Expenditure in the Treasurer's Accounts, although varied in detail, reveals a consistent picture of noble socialising and non-judicial activities which accompanied the ayres. Skene too acknowledged the importance of this 'meet and greet' aspect to ayres, explaining that all local men who 'haldand landes in chiefe of the King' were legally required to attend the ayre, and fined if they failed to do so.⁹² More specifically, when Châtelherault visited Aberdeen in 1552, he

⁸⁷ RPS, 1491/4/14. Date accessed: 10 March 2014; John Skene, *De Verborum Significatione: the Exposition of the Termes and Difficill wordes, Contained in the Foure Buikes of Regiam Majestatem, and vthers, in the Actes of Parliament, Infeftments, and used in practique of this Realme, with diuerse rules, and commoun places, or principales of the Lawes* (Edinburgh, 1597), sig. N; see also Julian Goodare, *The Government of Scotland 1560–1625* (Oxford, 2004), p. 196–8.

⁸⁸ Skene, *De Verborum Significatione*, sig. Nv.

⁸⁹ Boardman, 'Politics and the Feud', p. 280.

⁹⁰ Kinloch (ed.), *Mr James Melville's Diary*, p. 23.

⁹¹ Alistair J. Mann, *The Scottish Book Trade 1500–1720: Print Commerce and Print Control in Early Modern Scotland* (East Linton, 2000), p. 141; RPC, II, p. 727.

⁹² Skene, *De Verborum Significatione*, sig. N3v.

was accompanied by Guise and 'the maist part of the lordis & gritmen of this realme'.⁹³ The governor also visited important regional magnates including William Keith, third earl Marischal, at his castle of Dunnottar, and the chancellor, Huntly, at his seat of Strathbogie.⁹⁴ Châtelherault may well have been particularly anxious to be away from home at this time since building works were ongoing in several of his own properties, and the north would have represented an attractive choice as his daughter, Barbara, had gone to live with her husband's family in Strathbogie in June.⁹⁵ This was Châtelherault's first visit to Aberdeen, accordingly the burgh gave him a warm welcome including gifts of food and drink; such generosity was repeated when the ayre moved to Inverness.⁹⁶ As was his usual practice, Châtelherault was attended by the royal musicians on this ayre and payments for other forms of entertainment reveal displays of courtly practice.⁹⁷ Similarly, following typical procedure for pre-Reformation ayres, the major religious houses of the town received a donation.⁹⁸ Whilst this ayre was therefore clearly a success in fulfilling its 'meet and greet' objectives, initially, few cases were brought so further summonses had to be issued.⁹⁹ Moreover, almost a century later Calderwood claimed that 'Justice was little better than bought and sold'.¹⁰⁰ Admittedly, the ayres of Aberdeen, Elgin, Inverness and Banff jointly raised an extraordinary £13,882, although some £1,239 of this was subsequently remitted to beneficiaries who included Huntly's dependants and Guise's tenants.¹⁰¹ Following Châtelherault's return south in October, the privy council turned its attention to the disobedience of two particular families who had refused to attend the ayre. Huntly was deputed to 'pas upoun' Clan Cameron. Argyll received similar instructions in relation to Clan Ranald, but he averred that the head of the clan, John Moydart, would have attended had he not been in Ireland when the summons against him was issued. Since Moydart had therefore not been unintentionally disobedient, Argyll was permitted to refrain from action until the following Yule to give Moydart a change to compeer before the council.¹⁰²

This reconstruction of events in the 1552 ayre is drawn from the financial records and the privy council register. Whilst important details can be gleaned from these sources they are necessarily limited. Unfortunately, extant records

⁹³ A. J. Mill, *Mediaeval Plays in Scotland* (London, 1927), p. 149. For summonses to accompany him on ayre see: Treasurer's Account, 1551–2, NRS E21/44 f. 71v–72r, 81r.

⁹⁴ Libri Domicilii, 1551–2, NRS E31/10 ff. 49–50, 56v.

⁹⁵ Treasurer's Account, 1551–2, NRS E21/44 f. 73v.

⁹⁶ Libri Domicilii, 1551–2, NRS E31/10 ff. 49v, 58.

⁹⁷ Treasurer's Account, 1551–2, NRS E21/44 f. 79r–v, 87v, 88v.

⁹⁸ Treasurer's Account, 1551–2, NRS E21/44 ff. 78v–79r, 83v, 87v, 88v.

⁹⁹ Treasurer's Account, 1551–2, NRS E21/44 f. 76.

¹⁰⁰ Calderwood, *Historie of the Kirk of Scotland*, I, p. 227.

¹⁰¹ Treasurer's Account, 1551–2, NRS E21/44 ff. 14v–15r. For remissions: Treasurer's Account, 1551–2, NRS E21/44 ff. 21r, 95r.

¹⁰² Privy Council Register, 1550–3, NRS PC1/2 ff. 50v–51r. The result of this matter is not recorded in the extant Privy Council Register, which notes no meetings between 13 December 1552 and 20 February 1553.

Table 9: Summary of justice ayres in Scotland, 1488–1578

Ruler	Edinburgh, Lothian and Borders	West ayres	North ayres	Highland Ayres	Total ayres	Number at which ruler present
James IV (1488–1513)	6	16	6	6	34	27
Margaret Albany	0	0	0	0	0	0
1524–8	0	0	3	0	3	1
James V	1	2	2	1	6	4
majority	5	4	4	2	15	4
Arran	2	5	3	2	12	6
De Guise	3	0.5	0	1	5	3.5
Mary	2	1	0	[1] ^a	3 [1]	1 [1]
Moray	0	1	0	1	2	2
Lennox	0	0	0	0	0	0
Mar	0	0	0	0	0	0
Morton	4	1	0	1	6	5
1573–78						

See Appendix 4 for the details of the four geographical groupings.

a. The August–November 1562 progress to the Highlands had judicial elements. No profits in the form of fines appear to have reached the treasurer from this venture in that financial year, although as the following year's account is lost they may have been accounted then. The fact that the accounts record payments associated with preparing to hear cases in Aberdeen and Inverness indicates the progress incorporated an ayre.

produced by sixteenth-century ayres are rare, and in their absence crucial information, such as the number and types of cases heard, remains obscure. In the absence of court books, it is not possible to assess the activities of each ayre in detail, however, other governmental records reveal locations and dates. Records produced by the ayres and these alternative sources are discussed in more detail in Appendix 4. The following tables should be considered alongside the information in Appendix 4, and show the occurrence of ayres by geographical area and the time spent on ayre during each period of rule.

Whilst the minorities of James V and Mary witnessed markedly fewer justice ayres than the majorities which had immediately preceded them, by contrast, the minority of James VI saw this pattern reversed. It is notable that the western circuit, already recognised by scholars as subject to significant crown intervention during the personal rule of James VI, was by far the most commonly visited location throughout the century.¹⁰³ Unsurprisingly, periods

¹⁰³ Julian Goodare and Michael Lynch, 'The Scottish State and Its Borderlands, 1567–1625', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), p. 197.

Table 10: Proportion of each period of rule spent on ayre

Ruler	Number of months of reign in which ayres held	Length of reign in months	% of reign when an ayre in session	% of reign ruler personally attending ayres
James IV	43	303	17%	9%
Albany	3	110	3%	1%
Margaret	0	0	0%	0%
1524–8	6	48	12.5%	8%
James V	28	162	17%	2.5%
majority				
Arran	14	136	10%	5%
De Guise	6	74	8%	5.4%
Mary	4	72	2.9%	1.4% ^a
Moray	2	29	7%	7%
Lennox	0	0	0%	0%
Mar	0	0	0%	0%
Morton	8	64	12.5%	7.8%

a. Assuming the 1562 progress contained some judicial elements, in addition to the Jedburgh ayre in 1565, Mary spent about two months on ayre.

of instability or uncertain government had an adverse effect on the frequency with which ayres were held throughout the sixteenth century. In addition to the cessation of ayres in 1514, and during the civil war of 1569–73, examining the patterns within reigns bears out this correlation. As the list of ayres in chronological order given in Appendix 4 illustrates, Arran's first recorded ayre took place in 1547 once hostilities with England had started to subside.

The relationship between instability and a lack of ayres goes some way to explaining the reduction in their number during the minority of James V. Although Albany attended the ayre of Perth, Falkland and Dundee in January-February 1517, his relatively infrequent ayres are surprising in the context of the significance attached to ayres by James IV and James V, and the governor's own success in attracting cases to the session.¹⁰⁴ An order for dittay to be taken up in the sheriffdoms surrounding Fife and in the west of Scotland in August 1518 may imply that an ayre was planned whilst Albany was abroad.¹⁰⁵ It is unclear if matters progressed further, since no profits were raised and there is no record of remissions being issued. Nonetheless, in February 1524 an order was issued that 'divers' perpetrators of 'slaughteris' committed since Flodden in Fife, Perthshire, Menteith and Strathearn should compeer before a court in Edinburgh and make a payment to their sureties – individuals who took on responsibility for payment of debts or, as

¹⁰⁴ Treasurer's Account, 1515–17, NRS E21/15 ff. 29v–30r; Minutes of council meeting, 5 Jan. 1517, Acta Dominorum Concilii, 1516–17, NRS CS5/28 f. 70.

¹⁰⁵ Treasurer's Account, 1517–18, NRS E21/17 f. 18; RMS 3 p. 40; RSS 1 p. 472.

in this context, fines, should the person who had accrued the sum default.¹⁰⁶ This potentially implies a lack of activity following the 1517 ayre, at the least, it indicates that convicted killers had failed to fulfil their parts of an assythement settlement. Since the summons required comperance in Edinburgh as opposed to in the shires, it is likely that this refers to a sitting of the justiciary court, rather than an otherwise unrecorded ayre.¹⁰⁷ We shall turn to this relationship between the ayres and justiciary court shortly. Whilst there may have been an abortive attempt to hold an ayre in 1518 when Albany was in France, given that governmental activity often scaled back during a ruler's absence, and Albany's personal significance in creating stability, his absences might explain this shortfall in crown judicial enterprise.¹⁰⁸ Surprisingly, Albany's low attendance on ayre has not impeded the development of his long-standing reputation for delivering justice, which had already emerged by the late sixteenth century.¹⁰⁹

Despite the dismal reputation of Angus' regime following his coup of 1524, 12.5 per cent of the regime's time was spent on ayre, and the 1524 parliament had included a commitment to hold ayres alongside other measures introduced at the start of James' majority.¹¹⁰ This underscores the ayre's utility in exerting control through physical presence and the perceived importance of being seen to dispense justice to legitimise, and gain support for, a regime which claimed power on a dubious basis.¹¹¹ Similar emphasis on justice can be seen in the early years of James IV's rule following his involvement in a rebellion which culminated in regicide at Sauchieburn, and in the aftermath of Mary's deposition during Moray's regency.¹¹² In December 1567 Moray requested the Council's advice regarding how best to fulfil his duty of dispensing justice; following deliberation those present 'thocht best he sould hald justice airis ower all this realme, and first to begin at the sherefdomes of Dumbartane, renfrew, and Lanark in Lentern, and about Witsonday to pas to the north'.¹¹³ Moray duly followed this counsel, yet the Dumbarton ayre was not, it seems, a resounding success. Eight days after the ayre began the privy council gloomily observed that 'nane of the inhabitantis of the said sheref-dome of Dunbartane hes yit comperit to offer thame selffis reddie to underly the law nor yit to desire componitouris', accordingly, proceedings were deferred to a future date.¹¹⁴ The choice of Dumbarton may be significant.

¹⁰⁶ Treasurer's Account, 1522–4, NRS E21/18 f. 21v.

¹⁰⁷ Emond suggests it might have been an ayre: 'Minority of James V', pp. 389, 403 n. 135; Treasurer's Account, 1522–4, NRS E21/18 f. 31.

¹⁰⁸ No ayres were held during Albany's visits to France, James V's 1536–7 visit to France, and Moray's absence in England at the York-Westminster conference, 1568–9.

¹⁰⁹ Pitscottie, *Historie and Chronicles of Scotland*, I, pp. 290–1.

¹¹⁰ RPS, A1524/8/6. Date accessed: 10 March 2014.

¹¹¹ Emond, 'Minority of James V', p. 420.

¹¹² Macdougall, *James IV*, p. 56.

¹¹³ RPC, I, p. 599.

¹¹⁴ RPC, I, p. 614

Mary had held an ayre there in May, although she had not personally attended, and this choice of location therefore might have been an attempt to intervene in a region which had recent, direct experience of crown authority. It is plausible that the reluctance to attend Moray's ayre reveals a widespread rejection of his right to behave like a monarch and dispense justice; alternatively, Mary's recent ayre could have simply precluded the need for any further central involvement in the area. It is also possible that Moray chose to visit Dumbarton because this enabled him to exert his power in areas of Hamilton influence, where he might have expected to encounter resistance: the castle remained in Queen's Party hands, and proved a thorn in Moray's side, until his assassination in 1570.¹¹⁵

Moray's 1569 foray into the Highlands was, by contrast, particularly successful. According to the author of the *Diurnal*, 'thair wes nane within the boundis of the north bot thaj wer subdewit to the kingis auctorite, and wer compellit to acknowledge the samin'.¹¹⁶ This ayre offers a textbook case in the importance of combining formal and informal procedures to resolve disputes. Once Huntly had entered James VI's peace, he agreed to provide compensation to those he had harmed during his opposition to the king, but 'nocht eftir the forme of proceeding of the Lordis of Seesioun, Shereffis or uther ordinar jugeis, be geving of avale and quantitie to the ayth of the complenar'; rather, John Erskine of Dun, the superintendent of Angus and Mearns, John Wishart of Pittarrow, the collector of the thirds of benefices, and Thomas Menzies, provost of Aberdeen, would determine 'in ressonabill and tollerabill maner' the sums due 'according to equitie and conscience'.¹¹⁷ The Highland progress was only one leg of an extended trip which also included time spent witch-hunting in Fife.¹¹⁸

Moray was present at both the ayres held during his regency, but since, according to legislation of 1488, the monarch should have attended every ayre held, the issue of personal attendance on ayre demands consideration more broadly.¹¹⁹ Frequent ayres occurred during James V's personal rule, but royal attendance was relatively low at 4 per cent. Considering only those ayres for which firm evidence survives regarding the ruler's presence, on average, James IV, James V and Mary spent 7 per cent of their adult reigns on ayre in person. Their regents, however, spent an average of 23 per cent of their time attending ayres. Although more ayres occurred during majorities, therefore, a greater proportion of ayres held during minorities benefitted from the ruler's personal attendance. This trend may indicate that the non-judicial

¹¹⁵ Amy Blakeway, 'The Response to the Regent Moray's Assassination', *SHR* 88 (2009), pp. 9–33 at p. 10.

¹¹⁶ Anon., *Diurnal*, p. 145.

¹¹⁷ *RPC*, I, p. 665.

¹¹⁸ Michael Wasser, 'Scotland's First Witch-Hunt: The Eastern Witch-Hunt of 1568–1569', in Julian Goodare (ed.), *Scottish Witches and Witch-Hunters* (Basingstoke, 2013), pp. 17–33.

¹¹⁹ *RPS*, 1488/10/44. Date accessed: 10 March 2014.

functions of the ayre, such as 'meeting and greeting' magnates or asserting a strong personal presence in the localities, assumed greater significance for regents than for monarchs. In turn, it could also suggest an attempt to secure regents' legitimacy by underscoring their association with the administration of royal justice. Whilst these figures reveal substantial engagement with governmental activities, it is possible this arose as a response to insecurity.

The ayres' changing activities provide an important insight into rulers' involvement with justice at a local level throughout Scotland and which areas of the country they considered it most important to visit. Traditionally, a great amount of historical interest in justice has been focused towards the borders and the highlands, a fascination perhaps attributable to the characterisation of these locales as the 'wild' parts of the Stewart realm, straining to escape the yoke of monarchical control. Because the borders and the highlands have therefore been blessed with more historical attention in this area than other areas of the realm they are not considered in great detail here.¹²⁰ Nevertheless, it is worth pausing to examine if regents attempted to control these areas, and, if so, did they succeed? Ayres certainly visited both the borders and the highlands during minorities, likewise the justiciary court heard cases originating in these regions. Contextualised with the picture that emerges from existing studies, it seems likely that, whilst earlier-sixteenth-century regents did not acquire the degree of control over the peripheries of the realm later enjoyed by James VI, those regents who maintained an active presence on ayre also enjoyed a degree of success in controlling the far south and far north of the kingdom. Partly, this can be inferred from the contrasting situation which arose in the absence of a successful ruler. For instance, following Albany's departure for France in May 1517, the disgruntled Hume family took the opportunity provided by his absence to murder Antoine d'Arcy, Sieur de La Bastie, the chief member of the regency council, who also held the office of lieutenant in the Merse and Lothian.¹²¹ Likewise, on 24 January 1570, Henry Carey, first Baron Hunsdon, the English governor of Berwick, informed Cecil that following Moray's assassination he had procured extra security 'for the Regent was the onely stay and cause of the Quietness that hath bynne upon this border'.¹²² As befitted a piece of correspondence reporting the death of a *de facto* head of state Hunsdon marked the letter 'hast hast post hast hast for lyef lyef lyef

¹²⁰ For the borders see: Rae, *Administration of the Anglo-Scottish Frontier*; Anna Groundwater, *The Scottish Middle March: Power, Kinship, Allegiance* (Woodbridge, 2010); Maureen Meikle, *A British Frontier?: Lairds and Gentlemen in the Eastern Borders, 1540–1603* (East Linton, 2004); Goodare and Lynch, 'The Scottish State and Its Borderlands, 1567–1625'. Compare the treatment of the borders in Hewitt, *Scotland under Morton*, at pp. 120–36, with that of judicial administration at pp. 140–3. Compare also the borders, highlands and western Isles in Ritchie, *Mary of Guise*, pp. 145–67 with justice elsewhere, pp. 140–4.

¹²¹ Emond, 'Minority of James V', p. 172.

¹²² Hunsdon to Cecil, 4 Jan. 1570, TNA SP59/16 f. 165r.

lyef'. Although Moray was clearly an important presence in the borders, the fact that English rebels fleeing Elizabeth's wrath following the failed Northern Rising were harboured explicitly against his commands shows that his regime did not secure full compliance in the region.¹²³ A similarly mixed picture emerges regarding Morton's rule: although Morton's choice of wardens was ill advised, his management of the Redeswyre crisis (during which an English border warden was killed), demonstrated that he exerted considerable control over the region.¹²⁴

However, ayres were not the only occasion on which rulers travelled to the borders for judicial purposes. Rulers also travelled to this area to undertake quasi-judicial, quasi-militaristic expeditions known as raids. These have already been influentially surveyed by T. I. Rae, whose work underpins the following discussion.¹²⁵ Whilst raids and ayres were sometimes combined in the same visit to the borders, usually one element predominated. Discounting the justice ayres included in Rae's list of government visits to the borders, which have already been discussed above, the pattern of raids mirrors the relatively high ayre activity in the period 1524–8, during the personal rule of James V, and regencies of Arran, Guise, Moray and Morton. However, considering the more militaristic raids alongside ayres reveals greater activity during Albany's regency and the Marian Civil War. Albany attended three border raids; in his absence, a further three were headed by the first earl of Arran. Two of the raids headed by Albany were directed specifically against the Humes; the first earl of Arran likewise headed one raid following La Bastie's assassination against the Humes, and a second against a group of more loosely defined rebels.¹²⁶ By contrast, the two raids during the Marian Civil War were not headed by a regent and do not appear to have been immediately prompted by a particular political event.¹²⁷ During politically disturbed periods, raids presented a more attractive option than ayres, a fact demonstrated during Moray's regency, when only two ayres were held as compared with four raids upon the borders. Potentially, therefore, high numbers of raids could indicate insecurity and an attempt to coerce, whereas regular, non-militaristic ayres might point to a more secure administration. Conversely, the failure to hold justice ayres during Mary's personal rule and following Morton's fall from the regency, as compared with Moray's and Morton's assiduity in holding ayres,

¹²³ Amy Blakeway, 'Kinship and Diplomacy in Sixteenth-Century Scotland: the Earl of Northumberland's Scottish Captivity in Its Domestic and International Context, 1569–72', *Historical Research* 87 (2014), pp. 229–50 at p. 240.

¹²⁴ For the Redeswyre crisis: Hewitt, *Scotland under Morton*, pp. 176–9; Groundwater, *Scottish Middle March*, p. 160; Amy Blakeway, 'A Scottish Anti-Catholic Satire crossing the Border: "Ane bull of our haly fader the paip, quhairby it is leesum to everie man to haif tua wyffis" and the Redeswyre Raid of 1575', *English Historical Review* 129 (forthcoming, December 2014).

¹²⁵ Rae, *Administration of the Anglo-Scottish Frontier*, pp. 261–6.

¹²⁶ Rae, *Administration of the Anglo-Scottish Frontier*, pp. 261–6.

¹²⁷ Rae, *Administration of the Anglo-Scottish Frontier*, pp. 261–6.

suggests that during the second half of the century regents provided continuity with traditional forms of government and placed greater emphasis on travel, including personal attendance on justice ayres.

Whilst ayres were evidently in good health throughout the sixteenth century, there is some evidence that their remit was being reduced in favour of the static courts based in Edinburgh. Skene claimed that ayres had a large jurisdiction, and were competent to try all crimes 'quhilk be the law, are punished be death, or cutting of ane member'.¹²⁸ However, the 1574 Aberdeen ayre's remit was substantially restricted from that outlined by Skene – despite Morton's personal attendance.¹²⁹ Crimes which fell under the ayre's remit included the relatively minor misdemeanours of shooting wildfowl and animals with guns and various trade related offences, the most serious types of cases it was permitted to hear included: aiding the queen's supporter, the earl of Huntly, attending unauthorised armed gatherings which challenged the crown's authority, and deforcing royal officers. By contrast, many crimes punishable by death or mutilation were excluded from the ayre's jurisdiction, namely 'Tressoun in the persoun of the king and his Regent', arson, forging coins and witchcraft, in addition to religious crimes of hearing mass and abusing the sacrament. A third category of crimes was described as being 'suspended from the ayre', including failure to attend gatherings summoned by the regent, communing with rebels or traitors, holding fairs on Sundays in kirkyards, small oppressions, breaking and/or not assisting royal authority, swearing oaths and slaughtering deer.

This is the sole surviving example of such a list of crimes and thus cannot be taken as typical. Nevertheless, it is worth speculating if the restricted list of crimes that the ayre was deemed competent to try could have been an attempt to limit the ayre's remit in favour of the justiciary court. If this list of crimes was part of a larger phenomenon, whereby the most serious crimes of treason and the most heinous religious offences were reserved for the central courts, this provides further evidence for a shift in the locus of justice from the localities to the centre. However, the picture is mixed: during the late sixteenth century wardens' commissions expanded to encompass business traditionally dealt with on ayre, rather than transferring these concerns to an Edinburgh based court.¹³⁰ By contrast, on occasion ayres adopted responsibility for crimes which were theoretically the province of the Kirk's consistory court, since in 1576 the privy council remarked upon the fact that at recent ayres, 'sindry ... adultaris and incestuus personis wer indytit and delatit'.¹³¹ In this instance, the interest appears likely to have been financial, since ministers were requested to pass details of those who persisted in their sins to

¹²⁸ Skene, *De Verborum Significatione*, sig. Nv.

¹²⁹ 'Crimes to be componit for at ye present air haldin in Aberdeen', 14 Aug. 1574, NRSA 217, Moray Muniments, Box 15, Bundle 4, doc. 631.

¹³⁰ Goodare, *State and Society*, p. 258.

¹³¹ RPC, II, p. 499.

either the justice clerk or treasurer. These varied examples suggest that whilst changing political circumstances, subjects' preferences, and rulers' personalities go some way towards explaining variations in the ayres' activities across regencies and royal majorities, nevertheless, an important piece of the puzzle remains: the activities of other courts, and, in particular, the justiciary court, to which we shall now turn.

The Justiciary Court

The justiciary court's remit was identical to the criminal remit of the ayres, including the right to hear treason cases and the four 'pleas of the crown': rape, arson, theft and murder. Its exact origins are unclear; the earliest extant court book dates from 1512.¹³² Whilst the close relationship between the ayres and the justiciary court has long been acknowledged, the details of this association and its changing contours remain in need of clarification. Particular confusion has arisen surrounding Albany's provisions of January 1524 that the justice or the justice depute should reside permanently in Edinburgh. This has previously been read as an indication that the ayres were in decline, as part of a wider thesis that the justiciary court killed the ayres.¹³³ However, political circumstances surrounding the order lend a different interpretative angle, since in January 1524 it was widely expected that Albany was on the point of leaving Scotland.¹³⁴ In the light of the fact that ayres had not previously been held during Albany's absences, it is plausible that the January order to the justice depute to remain in Edinburgh was a practical attempt to pre-empt a predictable diminution of judicial provisions in the regent's absence. Rather than evidence of permanent decline, therefore, the January 1524 provisions were a temporary stop-gap measure. More widely, however, prior to the 1550s the ayres and justiciary court did not sit simultaneously. This mutual exclusivity of activity was probably attributable to a simple lack of suitable personnel, which precluded other governmental activities from taking place concurrently. The courts of session and exchequer, for example, rarely sat simultaneously.¹³⁵ From 1555, however, ayres could and did visit the localities without the justiciary court simultaneously ceasing to sit. The first occasion when it is clear this occurred was during the Dumfries ayre of 26 July to 6 September 1555;

¹³² C. Scott, 'The Archives of the High Court of Justiciary 1', *Juridical Review* 3 (1891) pp. 197–213, at p. 200.

¹³³ W. Croft Dickinson, 'The High Court of Justiciary', in G. C. H. Panton (ed.) *An Introduction to Scottish Legal History* (Edinburgh, 1958), p. 410.

¹³⁴ Emond, 'Minority of James V', p. 389.

¹³⁵ See, for example, the decree of the lords of council suspending the session on the grounds that the Exchequer was shortly to be held: minutes of council meeting, 20 June 1519, *Acta Dominorum Concilii*, 1518–19, NRS CS5/32 f.182v; Athol Murray, 'Exchequer, Council and Session, 1513–1542', in Janet Hadley Williams (ed.) *Stewart Style 1513–1542* (East Linton, 1996), pp. 97–117 at p. 101.

meanwhile, the justiciary court sat in Edinburgh on 30 July, and 1, 22 and 26 August.¹³⁶ Despite the fact that from the mid-1550s onwards, government resources could stretch to running the justiciary court and an ayre simultaneously, the two remained sittings of the same court.¹³⁷

Writing in the late nineteenth century, Charles Scott complained of the 'wretchedness of the manuscript' of the justiciary court records.¹³⁸ Scott's assessment of the state of the manuscript is a reasonable one, and may explain why scholarly engagement with the business of the justiciary court usually entails consultation of Robert Pitcairn's *Ancient Criminal Trials in Scotland* (1833), which has made a small number of cases widely available, but represents only a very selective sample.¹³⁹ By contrast, studies which have delved into the messy and smelly manuscript court books, such as the pioneering survey of Scottish witchcraft by Goodare, Martin, Miller and Yeoman, and Michael Wasser's consideration of the development of defence counsel, demonstrate the potential uses of this challenging yet rewarding source.¹⁴⁰ Whilst incomplete pre-1513 records of the ayres exist, neither the ayres nor the justiciary court's records are extant for 1513–24.¹⁴¹ Reasonably complete

¹³⁶ Justiciary Court book, 1554–9, NRS JC1/7; Treasurer's Account, 1554–5, NRS E21/47 f. 41.

¹³⁷ This is illustrated by the fact that when a case was transferred from the justiciary court to an ayre, it was described as being 'continued', the phrase used to describe unconcluded cases which would be heard in the same court on a later date, as opposed to 'replegiat', the phrase used to denote transfer to a different court. See also: Croft Dickinson, 'The High Court of Justiciary', p. 411.

¹³⁸ C. Scott, 'Archives of the High Court of Justiciary, 1', *Juridical Review* 3 (1891), pp. 197–212, at p. 200; C. Scott, 'Archives of the High Court of Justiciary, 2', *Juridical Review* 4 (1892), pp. 32–43; C. Scott, 'Archives of the High Court of Justiciary, 3', *Juridical Review* 4 (1892), pp. 105–120; C. Scott, 'The Archives of the High Court of Justiciary', *Juridical Review* 4 (1892), pp. 293–300.

¹³⁹ Robert Pitcairn, *Ancient Criminal Trials in Scotland* (3 vols, Edinburgh, 1833). Between 20 March 1549 and 18 December 1551, for example, Pitcairn summarised sixty-two cases heard by the justiciary court, the business being transacted over fifty-five days (Pitcairn, *Ancient Criminal Trials*, I, part II, pp. 342–61). This period corresponds to an entire volume of the manuscript justiciary court record, containing least 116 identifiable individual cases which were heard during 152 days on which the court sat (Justiciary Court Book, 1549–51, NRS JC1/6; there were 380 pieces of business noted). Thus, for this sample period, Pitcairn recorded only 53% of the cases which came before the justiciary court, and only 36% of the days on which it sat.

¹⁴⁰ Julian Goodare, Lauren Martin, Joyce Miller and Louise Yeoman, 'The Survey of Scottish Witchcraft', <http://www.arts.ed.ac.uk/witches/> (archived January 2003, accessed 25 February 2014). See also Julian Goodare, Lauren Martin and Joyce Miller (eds.) *Witchcraft and Belief in Early Modern Scotland* (Basingstoke, 2008); Michael Wasser, 'Defence Counsel in Early Modern Scotland: A Study Based on the High Court of Justiciary', *Journal of Legal History* 26 (2005), pp. 183–201. Wasser indicates he intends to extend his research back chronologically to 1573, but the fruits of this have not yet been published: Wasser, 'Defence Counsel', p. 184, n. 2.

¹⁴¹ Additional documents covering the period 1524–1544 are not, as Pitcairn believed, either minute books of notes in court during proceedings or books of adjournal formally summarising activities: rather, they are records of certain types of cases, for example, lists

justiciary court records survive for 1531–9 and from 1549 onwards, although occasional archival gaps occur.¹⁴² The Treasurer's Accounts record the profits raised by the justiciary court, but unfortunately, these bear little correlation to the business which the court undertook.¹⁴³

Three measures of the court's business are considered here; first, most straightforwardly, the number of days the court sat each year. Secondly, the number of cases concluded: in essence, this encompasses cases where all the defendants received a verdict, 'came in will', or were 'repledged' out-with the court. Opting to 'come in will' to the crown, whereby miscreants accepted culpability prior to a trial, thus entering the king's peace of their own volition, effectively meant that the accused evaded trial entirely. This ensured that they would not be subject to harsher legal sentences such as death; however, in return for such 'mercy' the crown could extract heavy financial penalties, providing compensation for the victim alongside a sizeable profit for the treasury. Broadly, the pledge system served to ensure that parties would adhere to an agreement or fulfil an order by requiring an associate of the party to ensure the party's compliance and, if not, either to meet the terms themselves or make a payment. In the specific context of the justiciary court, the pledge system worked in two specific ways. First, it functioned in a comparable manner to the English bail system, and required an associate of the accused to promise to ensure that they compeered (attended) when next summoned to court. The pledge would be liable to pay a fine should the accused fail to appear. Secondly, when a case was transferred, a new pledge, or a 'repledge', was entered for the accused's appearance in the new court, with a similar proviso added for fines in cases of non-compearance. The pledge

of fines or pledges: Pitcairn, *Criminal Trials*, I, p. 125. Books of fines and hornings, book of acts of caution, 1529–44, NRS JC1/4; acts of caution, 1524–39, NRS JC1/5 (section covering 1524–7 acts of caution, 1531–9 court book).

¹⁴² Within the lengthy run of records for the second half of the sixteenth century, there are four missing years: 1552, 1553, 1574 and 1575, and six years where a partial record survives. For several years, there is duplication between minute books (the notes taken in court) and books of adjournal (the fair copies of these notes, augmented by further documentation), see: Scott, 'Archives of the High Court of Justiciary 1', pp. 207–8. In cases of duplication, the book of adjournal has been preferred in constructing totals, both for reasons of ease of access, and because in cases where two records survive, the book of adjournal sometimes records additional cases not mentioned in the minute books. One court minute book covering the period 1576–79 was covered by the books of adjournal (NRS JC6/1). Further justiciary court papers not considered here as the information contained therein is duplicated by minute books and books of adjournal include: the register of bonds of caution (NRS JC19), very partially extant from 1536, and process papers, or documents relating to individual cases, (NRS JC26/1), extant from 1550.

¹⁴³ For periods where the justiciary court's records are extant, no discernible correlation can be seen between court business and profit raised since one large fine could raise more than many smaller penalties, the profits of justice cannot reveal the frequency of sittings or numbers of cases heard in lieu of a gap in the court's records. For a detailed outline of this see: Amy Blakeway, 'Regency in Sixteenth-Century Scotland' (Ph.D. thesis, University of Cambridge, 2010), pp. 178–9.

system highlights the fact that whilst the central courts provide the most appropriate forum to consider the impact of a change of ruler upon judicial matters, the vast majority of the business of the early modern Scottish legal system was resolved elsewhere: at a local level, or in an ecclesiastical court, for example.¹⁴⁴ Even if a case began in a central court, it was quite likely to be concluded in a local or an ecclesiastical court since various nobles and ecclesiastics had the right to order that any case, the four 'pleas of the crown' only excepted, involving one of their tenants should be transferred to a court under their jurisdiction and geographically located on their lands, such as a barony, regality or ecclesiastical court.¹⁴⁵

However, a significant proportion of cases were not so neatly concluded. As such, a third measure of the court's activities, the number of court appearances, regardless of their outcome, is considered. This encompasses a range of scenarios, including additional appearances associated with a concluded case (for example, a convicted party receiving a sentence or pledges being entered), and, crucially, cases which simply disappeared from the records. These are numerous in part because litigants might pursue an informal solution concurrently alongside litigation: a workable solution to a dispute, not the forum in which this was reached, was what ultimately mattered.¹⁴⁶ This remained true after the end of our period: of the cases heard by the justiciary court between 1603 and 1638, 76 per cent did not reach a trial, indicating that out-of-court settlements still played a prominent role in dispute resolution.¹⁴⁷ The number of cases actually brought to trial before the justiciary court therefore falls below the overall number of appearances, and above the number of concluded cases, identified in this research.¹⁴⁸

In broad overall terms, the rulers who frequently held justice ayres saw an overall increase in justiciary court business: frequent ayres were matched by high numbers of justiciary court cases under James V, both fell under Arran, both increased under Guise, fell under Mary, saw the rise under Moray inhibited by the civil war and then increased under Morton. The variations both over time as shown in Figure 5, and in annual average terms between rulers shown in Table 11, provide a further warning against drawing clear-cut dis-

¹⁴⁴ For the sheriff courts see: W. Croft Dickinson, 'Introduction', in *The Sheriff Court Book of Fife* (Edinburgh, 1928); James Makgill (*sic*) and John Bellenden, *La Discours Particulier D'Escoce* (Edinburgh, 1824), p. 16. For the church courts: Gordon Donaldson, 'The Church Courts', in G. C. H. Panton (ed.), *An Introduction to Scottish Legal History* (Edinburgh, 1958), pp. 363–373; Julian Goodare, 'The Scottish Parliamentary Records 1560–1603', *Historical Research* 72 (1999), pp. 244–67 at p. 251.

¹⁴⁵ *La Discours*, p. 13; Dickinson, *Sheriff Court Book of Fife*, pp. 344–6; for discussion of a case involving replegiation: Scott, 'Archives of the High Court of Justiciary 3', pp. 105–20.

¹⁴⁶ For a case abandoned in court as satisfaction had been received: Justiciary court book, 1556–73, JC1/13 f. 1v.

¹⁴⁷ Wasser, 'Defence Counsel', p. 194.

¹⁴⁸ A definitive figure of the number of cases heard (if there were no gaps in the record) could only be achieved through the cross-referencing of every individual defendant and pursuer listed.

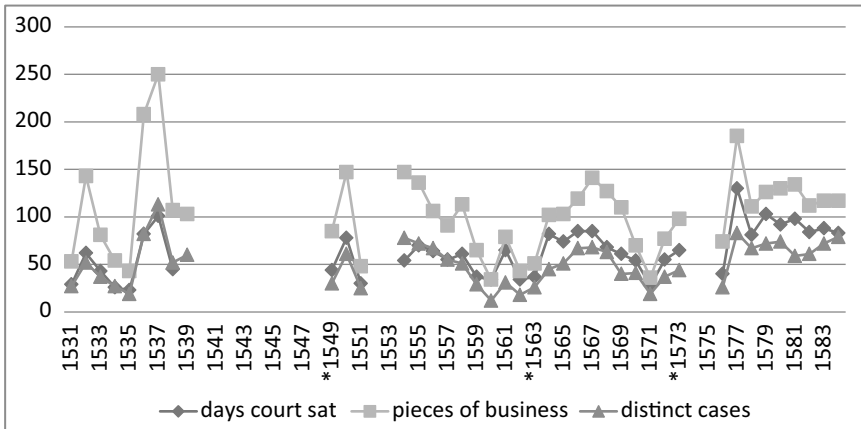


Figure 5: Justiciary court business, 1531–84

An asterisk indicates extant records are incomplete for that year.

Table 11: Average annual business of the justiciary court by period of rule

Ruler	Days the court sat	Items of business	Number of cases	Cases concluded as % of overall business
James V (1531–8)	55	127	55	43%
Arran (1549–54)	51	93	39	41%
Marie de Guise	57	102	55	54%
Mary, Queen of Scots	63	83	40	48%
Moray	65	119	62	52%
Civil war (1570–3)	51	70	35	50%
Morton	105	141	74	52%
Post-Morton (1579–84)	89	122	69	57%

The table displays the average amounts of business by period of rule. The ‘changeover years’ of 1560 and 1567 have been excluded, as have all years for which only incomplete data survives.

tinctions between minority and majority. Identifying such fluctuations in a court’s business is tricky, but even once this has been established the results present interpretative quandaries. Whilst the business of the court fluctuated substantially on a yearly basis, from the 1560s onwards the quantity of business it heard became less sensitive to political events than earlier in the century. This marks a substantial point of contrast with the ayres, which were only held when the crown was able to divert time and resources away from other objectives and thus closely linked to political circumstances. Moreover, since prosecutions remained the responsibility of the victim and their kin, and alternatives to the courts existed throughout this period, a

litigant's choice to pursue a claim through the courts indicates a level of confidence in that court's ability to impose a satisfactory solution.¹⁴⁹ Variations of the business heard in a given court were therefore to some degree driven by wider perceptions of its efficacy which were doubtless influenced by broader political events. In particular, political disturbance has often been identified as a discouraging factor in bringing cases to court.¹⁵⁰

The slump in business between 1558 and 1560 suggests that prior to 1560 political trauma did to some degree coincide with a reduced justiciary court case load, although the fact court books are missing for the period from 1540 to 1548 makes such analysis tentative. The peaks and troughs following 1550, when conflict related to the Rough Wooings declined, and 1554, when Guise took the regency, could likewise reflect potential litigants' responsiveness to political circumstances. The sharp increase in business in 1561, Mary's first year of resident rule, could also potentially be interpreted in this way, but the decline in business in 1559 and 1560 was part of a longer-term trend, perhaps exacerbated, but not solely caused by, the Reformation Rebellion. Mary's deposition in 1567 produced remarkably little effect on the court, and the decline in 1568–9 is largely explained by the court's cessation of business between 'the hinderend' of August 1568 and 2 March 1569. This hiatus was apparently caused 'Be ressoun of the pest and regentis Being in Inland'.¹⁵¹ Although the plague often resulted in various institutions temporarily moving or ceasing business, this was the sole occasion when the justiciary court did not sit because the ruler was abroad. During James V's absence abroad, from September 1536 to May 1537, the court continued its business uninterrupted.¹⁵² Between Guise's death in June 1560 and Mary's return in 1561, the court also continued to sit, an impressive feat given the recent disturbances of the Reformation rebellion, although its business declined considerably.¹⁵³ It is thus unclear why Moray's absence constituted a valid reason for the court's failure to sit in 1568–9, since there was no legal impediment on these grounds. Possibly the court had left Edinburgh due to the plague and then failed to re-organise its affairs until Moray's return. In

¹⁴⁹ J. Irvine Smith, 'Criminal Procedure' in G. C. H. Panton (ed.), *An Introduction to Scottish Legal History* (Edinburgh, 1958), pp. 426–49 at pp. 433–4; For the King's Advocate providing aid to those too poor to pay an advocate to prosecute themselves: Finlay, 'James Henryson and the Origins of the Office of the King's Advocate in Scotland', pp. 32–4. Wormald, *Bloodfeud*, p. 79; Steve Hindle, *The State and Social Change in Early Modern England* (Basingstoke, 2000), p. 121. Wormald, 'Bloodfeud, Kindred and Government', pp. 66–76 especially; Brown *Bloodfeud*, p. 254. Emond, 'Minority of James V', p. 68.

¹⁵⁰ Athol Murray, 'Huntly's Rebellion and the Administration of Justice in the North-East of Scotland, 1570–1573', *Northern Scotland* 4 (1981), pp. 1–6, at pp. 2–3. This was influentially articulated with reference to fifteenth-century England: M. C. Carpenter, *Locality and Polity: a Study of Warwickshire Landed Society, 1401–1499* (Cambridge, 1992), p. 709.

¹⁵¹ Justiciary Court book, 1566–73, NRS JC1/13 f. 117v.

¹⁵² Justiciary Court book, 1531–9, NRS JC1/5 ff. 189–225.

¹⁵³ Justiciary Court book, 1559–62, NRS JC1/11.

any event, the striking contrast with the cessation of ayres during periods of political disturbance calls attention to the distinctive character of the emerging justiciary court. More speculatively, the growth of the justiciary court demonstrates that despite the continued prevalence of the ideal of 'the king's justice', in practical terms, an increasing demand for legal services had to be met by courts which continued to operate regardless of the ruler's personal circumstances.

The fall in business in 1571 is explicable by the fact that no cases were heard between May and November that year. This hiatus was immediately followed by the May bombardment of the Canongate by Mary's supporters in Edinburgh castle, which led to the expulsion of the king's men from the area. Consequently, the capital no longer provided an atmosphere conducive to the conduct of government business. It was only in October that Mar set up a long-term camp at Leith from which to conduct both the civil war and governmental administration. In November 1571 Mar ordered that the session and the justiciary courts be summoned to relocate to Leith.¹⁵⁴ This reflected Arran's 1546 dictat that the Edinburgh-based courts should remove to St Andrews for the duration of his presence at the siege there. Following Mar's November order, the justiciary court continued to sit throughout the siege of Edinburgh castle; although no cases were heard during the actual bombardment from 21 May until the castle's surrender on 29 May 1573, a theft case was heard on 20 May and a horning issued on 30 May.¹⁵⁵ Moreover, despite fierce fighting surrounding the fall of Edinburgh castle, justiciary court business rose in 1572 and 1573 (for 1573 the annual total of business would be slightly higher were the records for December also extant). Nevertheless, it seems that this activity was insufficient to solve broader problems with control during the Marian Civil War. In July 1572 William Drury, writing from Edinburgh, forlornly observed that 'Justice ys dedd on both syds. The maiestrats of neither syde dare ponyshe a Soldier for eny offence he can commytt'.¹⁵⁶

According to the theory that periods of stability encouraged litigants to court, we would expect to see high mean average figures for Morton's rule, as, indeed, we do, and the wartime deficit in judicial action apparently identified by Drury would only have exacerbated this trend. However, Morton's high justiciary court averages are dragged upwards by the 1577 peak in business, four years after hostilities ceased and not obviously related to the aftermath of conflict. Removing this year, the court sat for ninety-two days on average per year, hearing 119 items of business, of which seventy individual cases reached a definite conclusion. Morton's totals thus remain high, but closer to those of other rulers, and the average fall in business after Morton's demission of the regency was thus not especially dramatic. Morton's fall and the changes of

¹⁵⁴ Justiciary Court book, 1566–73, NRS JC1/13 ff. 194v–213v; RPC, II, p. 86.

¹⁵⁵ Justiciary Court book, 1566–73, NRS JC1/13, ff. 193v–194r.

¹⁵⁶ Drury to Hunsdon, 12 July 1572, TNA SP52/23 f. 130.

regime between 1579 and 1581 likewise had a negligible impact on business. From Mary's personal rule onwards, therefore, the extent to which political disturbances correlated to fluctuations in justiciary court business declined considerably.

Whilst the activities of both ayres and justiciary court thus combine to reinforce an overall sense of judicial efficacy under different rulers, considering a shorter-term perspective reveals that the business of the justiciary court and the ayres fluctuated in relation to each other. During James V's personal rule at least one ayre was usually held annually, but in 1536 and 1537, when no ayres were held, the number of days the justiciary court sat and the business it heard increased, only to decline in 1538 when an ayre took place. Considering that the personnel of the justiciary court and ayres overlapped, and that at this point the two did not sit concurrently, this is hardly surprising. During the period 1549–84, when the two courts did start to sit concurrently, connections are less straightforward. The Jedburgh ayre of November 1561, breaking a hiatus of several years, can probably be read as analogous to the increase in the justiciary court's business during this period and linked to an attempted reinvigoration of government administration at the start of Mary's personal rule. The fact that a sharp decline in business between 1561 and 1562 was followed by a steady increase in the justiciary court's activities during the remainder of her personal rule may be connected to a lack of ayres. By contrast, the decline in the justiciary court's business during Moray's regency could likewise reflect the fact that annual ayres once again became a feature of political life. This also potentially explains the court's surprising growth between 1571 and 1573: in this instance, political disturbance may have worked to encourage centralisation, for whilst no ayres could be held, litigants apparently sought redress in an alternative court which continued to sit.

Overall, however, the justiciary court experienced a gentle increase in business over time, within which political disturbances, such as the Reformation rebellion, or disaster, such as the plague, exerted a short term impact, from which the court quickly recovered. Whilst fluctuations in the court's business were doubtless significantly driven by litigants' preferences and broader political circumstances, alternative potential influences on the court's business should not be forgotten. It is unlikely that these variations securely reflect actual changes to the number of crimes committed in a particular year since the lapse of time between crime and prosecution varied considerably. In March 1550, for instance, cases were heard appertaining to events which took place in 1535, 1547 and 1548.¹⁵⁷ Could demographic change have exerted a long-term influence on court business? Although the outlines of early sixteenth-century population trends are dim, it appears likely that the Scottish population increased substantially from 1570 onwards.¹⁵⁸ If

¹⁵⁷ Justiciary Court Book, 1549–51, NRS JC1/6 ff. 23, 24, 27.

¹⁵⁸ R. A. Houston, *The Population History of Britain and Ireland 1550–1750* (Cambridge,

this conjecture is correct, then the impact of an increasing population would presumably only have started to affect the quantity of business before the courts after the period under consideration here. By contrast, it is clear that the rising tide of the justiciary court's business is part of a broader pattern already identified in other central courts, for instance, in the session during the 1530s.¹⁵⁹ Likewise, the privy council heard an increased number of cases related to feuding between 1573 and 1590, an upwards trend which continued across Morton's regency and James' assumption of his majority: although the gap in the justiciary court records from the second half of 1573 until 1576 inclusive limits how far the parallel can be drawn, consistently high business for the period 1577–84 is highly suggestive.¹⁶⁰ Further afield, English courts whose remits were broadly similar to that of the justiciary court also dealt with an increasing volume of business across the early modern period.¹⁶¹ In both instances, the phenomenon of increasing business has been explained not by hypothesising an increasingly violent and criminal society, but rather, in the case of Scottish feuding, by suggesting an increasing appetite for social control from central authorities and, in the English context, by pointing to an increased fear of criminality as the prompt to prosecution.¹⁶² The justiciary court's business increased at a slower rate than that of these institutions, but even the slight increase in the percentage of business which was concluded within the court over time lends support for the idea that courts were gaining attractiveness as a forum for dispute resolution in Scotland.¹⁶³ However, further work, including a longer chronological perspective, is required to test this hypothesis.

Conclusions

This chapter opened with the often-quoted belief that minorities were times 'when never peace nor justice reigned'. Clearly, this biblical trope was far from universally applicable in sixteenth-century Scotland; equally clearly, no overarching pattern can be found which distinguishes minorities from majorities. Nevertheless, some conclusions can be drawn. Regents encountered no restrictions in their attempts to impersonate monarchs in the legal system, concomitantly, they universally embraced the rhetoric of a responsibility to dispense justice. Equally, war with England, inherited from the policies of James IV and James V, and the cataclysmic impact of Mary's deposition,

1992), pp. 17–18; I. Whyte, 'Population Mobility in Early Modern Scotland', in I. Whyte and R. A. Houston (eds), *Scottish Society 1500–1800* (Cambridge, 1989), pp. 37–59, at p. 41.

¹⁵⁹ Godfrey, *Civil Justice in Renaissance Scotland*.

¹⁶⁰ Brown, *Bloodfeud*, p. 14.

¹⁶¹ Hindle, *State and Social Change*, pp. 117–42.

¹⁶² Brown, *Bloodfeud*, p. 14; Hindle, *State and Social Change*, pp. 117–42.

¹⁶³ Godfrey, *Civil Justice in Renaissance Scotland*, p. 448.

caused disturbances to governmental, including judicial, activities during minorities. Claims that minority governments failed to provide justice are thus to some degree based on reality: but the view is only partial and related primarily to periods of disturbance or during a regent's absence. The contrast within Arran's regency before and after 1547 is a case in point. This willingness to get on their horse and ride with an ayre builds on the picture suggested by regents' itineraries in chapter four, that regents such as Arran, Guise and Moray were active rulers willing to travel and engage with subjects at a regional level. Nevertheless, as criticisms of Arran, Morton, and, to a lesser extent, Moray, demonstrate, simply holding justice ayres was insufficient to secure a reputation as just: the whiff of profit-seeking which lingers around many early modern judicial activities is particularly pungent surrounding the justice ayres held by these three regents.

The conclusions drawn by this chapter are cautious but they are nevertheless worth positing. If we accept the premise that at a local level the diligence of regional notables, such as sheriffs, abbots and lords, would have proved more significant to judicial activity than the long arm of the Edinburgh lawmen acting for the crown, then we are left only with the activities of the courts directly administered by central authorities as a measure of crown efficacy. The justiciary court's business varied considerably whilst following a gradual upwards trajectory. By contrast, ayres represent one of the few substantial points of difference between minority and majority administration: regents held fewer ayres than monarchs, their efforts to attend the ayres were greater. This raises several interesting possibilities, related to the broader identification of regents as mobile rulers in the previous chapter. In several cases, notably Moray and Arran, regents needed to travel substantial distances from Edinburgh in order to visit their own lands, and an ayre provided a convenient way to combine the responsibilities of magnate and monarch. However, given the broader political significance of ayres and the fact that the locations of regents' estates were clearly not the only factor at play in choosing routes, ayres were clearly attractive for other reasons, including, perhaps, what they symbolised. Attendance on ayre sent a clear message that a given ruler was fulfilling his or her duty to dispense justice, and thereby legitimised rule. It is ironic, therefore, that it was a failure to accept particular regents as legitimate that inhibited their ability to participate in the legitimising practice of dispensing justice. Such challenges occurred from a range of quarters within the realm; however, they were most threatening when backed by foreign military muscle. The theme of legitimacy looms large in the next, and final, chapter, which turns to minority diplomacy.

Regency Diplomacy

In July 1567, William Cecil mused over the prospect of a particularly enticing political morsel. Reviewing the terms of an offer for Mary and her infant son, Prince, but shortly to become King, James, to come and live in England in order to ‘enjoy quyetness’, Cecil amended the terms to include only James.¹ Whilst his mother was a liability, the infant royal presented a tantalising opportunity. In the event, of course, on this occasion Cecil got the exact opposite of what he wanted. Moreover, his suggestion was far from novel. Rumours of French plots and concrete English plans to acquire James V emerged throughout his minority, and, famously, the Rough Wooings were in large part fought for custody of Mary. These proposals, with the notable exception of Mary’s departure for France in 1548, came to nothing. Nevertheless, they exemplify the possibilities which minority offered to foreign powers, and the particular challenges facing regents in their diplomatic undertakings.

This chapter explores three themes which have been prominent in the foregoing examination of domestic governance: how regents secured legitimacy, the extent of their powers, and the financial constraints and concerns to which they were subject. In so doing, it builds upon, but does not rehearse, the rich existing scholarship on minority diplomacy – of all the areas of government, Scotland’s relations with foreign powers during royal minorities have hitherto enjoyed the most extensive historiographical attention.² To explore these themes, the chapter is divided into four sections. The first explores the powers wielded by regents in the diplomatic sphere. In particular, we will address

¹ Elizabeth to Throckmorton [draft], 14 July 1567, TNA SP52/14 f. 32.

² For the minority of James V: Richard Glen-Eaves, *Henry VIII’s Scottish Diplomacy, 1513–1524: England’s Relations with the Regency Government of James V* (New York, 1971); Richard Glen-Eaves, *Henry VIII and James V’s Regency, 1524–1528: a Study in Anglo-Scottish Diplomacy* (Lanham, MD, 1987). For Mary’s minority: a deeply problematic and Anglo-centric account: David Franklin, *The Scottish Regency of the Earl of Arran: a Study in the Failure of Anglo-Scottish Relations* (Lampeter, 1995); Marcus Merriman, *The Rough Wooings: Mary, Queen of Scots 1542–1551* (East Linton, 2000). For James VI’s minority: Claire Webb, ‘The “Gude Regent”? a Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots and the Scottish Regency 1567–1570’ (Ph.D. thesis, University of St Andrews, 2008); Sarah Macauley, ‘Matthew Stewart, Fourth Earl of Lennox and the Politics of Britain, c.1543–1571’ (Ph.D. thesis, University of Cambridge, 2006).

the ways in which these were limited during the 'protectorate' of Henri II, 1548–58, when Henri envisioned that as protector he could dictate Scotland's foreign affairs in line with those of France. This section will probe the protector-regent relationship from a new angle by exploring two instances of negotiations surrounding disputed territory. The second section of the chapter considers how Albany and Arran faced foreign challenges to their rule, in particular, the notions of English suzerainty used by Henry VIII to justify his interference in Scotland. In so doing, it considers how Albany's problems in securing acknowledgement as a legitimate governor coloured Anglo-French and Scottish-papal diplomacy as well as Anglo-Scots interactions. The third section considers the attempts of James VI's regents to secure acceptance of his kingship, and thus their own regencies, as legitimate. Finally, we explore the payment of foreign pensions and financial support more broadly.

Powers and Protectors

As we saw in the opening chapters, as the century developed the concept of regents as elected officials had ramifications for how they exercised their powers. This was visible abroad as well as at home. During James V's minority, Albany's right to act in the diplomatic sphere was apparently uninhibited, since shortly after his arrival in 1515, a letter from the estates to Pope Leo X implored him to treat Albany as if he were a fully adult monarch.³ By contrast, as we saw in chapter two, agreements with the nobility obliged James VI's regents to take 'aduise and consent of the nobilitie and secreit counsall present' when treating for war or peace, negotiating the monarch's marriage, and when revising arrangements regarding Mary, Queen of Scots.⁴ These articles were intended to restrict the regent's ability to act in the diplomatic sphere and stand in stark contrast to the *carte blanche* enjoyed by Albany. However, this line should not be overdrawn, since this requirement to heed advice may simply constitute a formalisation of existing practice rather than an innovation, and monarchs too were, of course, supposed to take counsel.

Within these chronological bounds, in certain circumstances regents acting for a minor wielded more authority than regents acting for an absentee monarch. In 1559, for example, the English commissioners negotiating with Marie de Guise insisted that the regent's signature alone was insufficiently binding for the peace treaty since it was 'not equall' with Elizabeth's. In order to provide 'moore equalitie and sure for the treatie' and to 'have lyke for lyke', the English required the Scots to send to France for the signatures of Mary, Queen

³ James V and the Estates to Leo X and the Cardinals, 3 July 1515, in R. K. Hannay and Denys Hay (eds), *Letters of James V* (Edinburgh, 1954), p. 26.

⁴ 'The election of the Regent Lennox of Scotland and Articles that he is sworne unto', July 1570, BL Cotton MS Calig C.II ff. 314–18; RPS, A1571/9/14. Date accessed: 24 June 2014; RPS, A1572/11/11. Date accessed: 24 June 2014.

of Scots, and her husband; to which the Scots acquiesced.⁵ The implied concern that as an adult Mary could renounce treaties concluded without her consent provides a striking contrast to the unquestioning acceptance of the binding nature of negotiations undertaken by regents during minorities. However, Guise herself had earlier used her status as a regent acting for an absentee monarch to her advantage when negotiating with foreign powers. In 1557, she regretfully informed Mary Tudor that she was unable to restore Lennox to his rights in his earldom, 'for yat it is ane mater of special grace, quhilk we ar always accustomat to refer to oure darrest dochter'.⁶ The delaying tactic worked, since Lennox's earldom was only restored in 1565.

Monarchical absence provided a similarly useful excuse for delayed action following Guise's ejection from the regency. Between Guise's death on 11 June 1560 and Mary's return on 11 August 1561, despite what the Lords of the Congregation claimed, Scotland lacked any type of legally constituted authority. There was certainly no replacement regent. On 23 October 1560, Frederick II of Denmark addressed a letter to the 'Illustrisimis Principibus, Consanguineis et amicis nostris charissimis, Domino Iacobo Ducj de Hamelton, Comiti de Arran, coeterisque, regni Scoticj gubernatoribus'.⁷ Even though Châtelherault's personal title appears mangled as 'Duke of Hamilton', and he appears as one amongst many 'Governors of the Kingdom of Scotland', he was afforded a prominent position as the only named individual. This recalls the earlier prominence he had assumed amongst the temporary council appointed following the death of James V prior to his own elevation as governor in January 1543. Even more suggestively, English reports of the same period described Châtelherault as governor.⁸ If these reflected a phrase being used by some Scots, this provides an intriguing insight into an alternative set of governmental arrangements envisaged for a scenario in which Mary did not return. Frederick's main theme, however, was the return of Orkney, an overture which proved to be made in vain. The Scots did not respond until February when Châtelherault and other significant Lords of the Congregation hedged for time, citing Mary's absence as sufficient cause to preclude a decision.⁹ Although an absentee monarch thus provided a handy get-out-of-jail free card for those wielding authority in her absence, this also reflects Châtelherault's earlier reluctance to cede disputed territory during his regency, a topic we shall consider in more detail below.

⁵ Northumberland, Durham, William Pace and James Crofts to Elizabeth, 18 June 1559, TNA SP52/1 f. 71.

⁶ Marie de Guise to Mary Tudor, 24 May 1557, TNA SP51 f. 34r.

⁷ Frederick II of Denmark to Châtelherault, 23 Oct. 1560, NLS MS 33.1.11 f. 92v. 'Illustrious Princes, our dearest cousins and friends, lord James duke of Hamilton, earl of Arran, and the rest, Governors of the Kingdom of Scotland'.

⁸ Sir Henry Percy to Sir Thomas Parry, 22 Jan. 1559, TNA SP59/1 f. 87r; 'Intelligence out of Scotland', 10 Nov. 1559, TNA SP52/1 f. 244; Cecil to Mr Sheers (draft), 6 Mar. 1560, TNA SP52/2 f. 81; George Heron to Lord Grey, 21 Feb. 1560, TNA SP59/2 f. 142r.

⁹ Lords of the Congregation to Frederick, 1 Feb. 1561, TNA SP52/5 f. 41.

Beyond the increasing restrictions laid upon regents between the minorities of James V and his grandson, and the distinction between regents for a minor as opposed to for an absentee monarch, alternative understandings of regents' diplomatic powers coexisted. There is a tantalising hint that such divergent beliefs account for the Scots' refusal to support Albany's attempted invasion of England in 1523–4, an action which contributed to his departure from Scotland and loss of office. Writing in the 1570s, John Lesley, bishop of Ross, explained that Henry VIII's military preparations and antagonistic gestures towards Scots and Frenchmen in England prompted Albany to summon the Scottish host.¹⁰ Having an army ready and perceiving no sign of English resistance, Albany wanted to cross the border to attempt territorial gains, but the lords refused. The Scots believed that the attempted invasion was primarily intended for French, rather than Scottish, imperatives, and, more interestingly in this context, that 'It appeiris to be sufficient aneuche for us, sa long as the King our Soverane is within aige, to defend our awin realme and nocht to invaid'.¹¹ Lesley's report of this interlocution favours neither position.¹² Albany is described as 'vailyeaunt' and portrayed as responsive to counsel, whilst those who opposed invasion are styled 'wyse'.¹³ It is unclear how far this late sixteenth-century story actually reflects events in 1523–4; presumably Ross believed that this dilemma, presented to readers during James VI's minority, would have appeared plausible. No comparable situation arose later in the century, but on this basis, a question mark appears to have hung over a regent's ability to undertake offensive military action.

Henri's protectorate of 1548–59 was an exceptional period in terms of regents' powers. The Treaty of Haddington laid out that Henri II would 'keip, manteine and defend this realme, liegis of the samin, liberteis and lawis thair of as he dois his awin realme of France and liegis of the samin'.¹⁴ Due to the particular advantages offered to the French by a marriage between Mary as queen regnant and the Dauphin, Châtelherault's responsibility for defence of the realm was henceforth to be shared with Henri. It was, however, clear that Henri's conception of his relationship with Scotland went far beyond this. Bonner and Ritchie have demonstrated the extent of Henri's ambitious dynastic agenda, his belief that Mary's betrothal to his son François meant that Scotland was his own realm as much as France, and his concomitant exertion of control over Scotland's diplomatic activity.¹⁵ These compelling arguments about Henri's view of his protectorate, and the numerous instances

¹⁰ John Lesley, *History of Scotland from the Death of King James I in the year 1436 to the year 1561*, ed. T. Thomson (Edinburgh, 1830), p. 119.

¹¹ Lesley, *History*, p. 120.

¹² Lesley, *History*, pp. 121–2.

¹³ Lesley, *History*, p. 122.

¹⁴ RPS, 1548/7/1. Date accessed: 3 May 2014.

¹⁵ Elizabeth Bonner, 'The Politique of Henri II: De Facto French Rule in Scotland, 1550–1554', *Journal of the Sydney Society for Scottish History* 7 (1999); Pamela Ritchie, *Mary of Guise in Scotland 1548–1560: a Political Career* (East Linton, 2002).

when Henri did indeed exert such influence over Scotland will be neither rehearsed nor substantially challenged here. However, it is useful to cast our net a little beyond the Valois view: the protector-regent relationship was affected by circumstances and so functioned in a variety of different ways. It is perhaps helpful to start by remembering that although Henri's possession of Mary once she arrived in his court gave him power and the rhetorical ploy of ventriloquising her 'will', it did not legally give Henri governmental rights in Scotland. Recovering precisely what Scots such as Châtelherault thought they had signed up for in 1548 is prohibited by the fact that, in contrast to Henri's loquacity, there is no extant explanation of an Edinburgh perspective on precisely how Henri's power should be demarcated or employed. Nevertheless, it is clear that Châtelherault's and Henri's understandings of their relationship did not always dovetail, and that Châtelherault's alternative view enjoyed some support at a domestic and international level.

For example, both Châtelherault and Henri sought peace with the Low Countries in 1550–1, yet despite their shared agenda Henri sought to take the preeminent role in the negotiations which culminated in the Treaty of Binche between Scotland and the Empire in June 1551. Indeed, Henri even expressed his displeasure when Châtelherault initiated independent diplomatic contact.¹⁶ In March 1552, when Franco-Imperial tensions meant that the treaty was already under threat, Châtelherault's privy council dispatched an ambassador to Henri in hopes of persuading him to preserve peace, arguing on the basis of not only the potential 'incommoditie' of war to Scotland, but the anticipated 'chargeis' which Henri would face in that instance.¹⁷ That the Scots were resolved to renounce peace with the emperor if his hostility towards France continued demonstrates the strength of their bond to Henri as protector. However, even this example of Henri's success in ordering Scotland's diplomatic affairs also shows that the Scots believed that the protectoral relationship left room for them to offer counsel and influence decisions, rather than simply passively to await and accept orders.

Whilst Henri's domination of Scottish negotiations with the Low Countries was successful, his record of influencing Scots affairs at the Vatican was more chequered. Henri's successes included replacing the Scottish cardinal-protector with a more amenable individual and, unsurprisingly, he sought to influence appointments to major benefices. Notably, this included blocking two candidates proffered by Châtelherault for the archbishopric of Glasgow in favour of Huntly's younger brother Alexander Gordon.¹⁸ The right to appoint to benefices was a substantial privilege and mark of favour which had

¹⁶ Ritchie, *Mary of Guise*, pp. 44–6; Gladys Dickinson, 'Instructions to the French Ambassador, 30 March 1550', *SHR* 26 (1947), pp. 154–67 at p. 163.

¹⁷ Privy Council Register, 1550–4, NRS PC1/2 f.44.

¹⁸ Bonner, 'Politique of Henri II', pp. 9–13. Ritchie, *Mary of Guise*, pp. 79–81. Henri and Guise secured their candidate, Alexander Gordon, in March 1550 but he was translated to Athens in September 1551 when Châtelherault's third-choice candidate, James Beaton, was elevated to Glasgow.

been granted to James III by papal indult in 1487 and thereafter continued to be enjoyed by monarchs and those acting on their behalf. Ultimately, Henri's attempt to usurp Châtelherault's right to exercise this crown power failed. Pope Julius III upheld the governor's complaint that Gordon's appointment should be overturned: as governor, Châtelherault's claim to exercise this aspect of the crown's power trumped that of a foreign protector.

The two foregoing examples are well known. Whilst the following pair of more obscure case studies leave the broad contours of the protector-governor relationship in place, they provide a detailed alternative perspective on how this worked in practice. Although Scotland's borders were fairly well defined by the sixteenth century, two disputed territories remained on its geographical peripheries. One area was Orkney, to which we will shortly turn. The other, known as the debatable lands, was an area where the border with England was unclear and ownership of surrounding lands disputed. Both came into question during Châtelherault's regency and on both occasions the governor evinced an unwillingness to negotiate on disputed territory without first seeking counsel and approval from Henri II. However, in each instance the extent of Henri's influence varied. The negotiations surrounding the debatable lands have hitherto been viewed as the first point at which Guise rather than Châtelherault exerted substantial control over relations with England, and, by inference, identified as a moment when the French protectorate substantially impeded Châtelherault's freedom of movement.¹⁹ The following discussion modifies this view. Located on the western border with England, the lack of clear jurisdiction in the debatable lands presented a considerable impediment to implementing border justice.²⁰ In 1526, an English suggestion that the debatable lands should be 'egally bounded in two partes' was rejected by the Scots council on the grounds that it constituted 'ane nouelte' and so might prove prejudicial to one or both kingdoms.²¹

The Treaty of Norham concluded the Rough Wooings in June 1551 but omitted to resolve the question of the debatable lands, leaving subjects of both realms alike 'to the use therof even as it hathe ben accustomyd to be'.²² This was probably at Châtelherault's request, since in 1550 he had explained to Henri that he held reservations regarding the division of the debatable

¹⁹ Bonner, 'Politique of Henri II', pp. 76–80.

²⁰ Sybill M. Jack, 'The "Debatable Lands", Terra Nullius, and Natural Law in the Sixteenth Century', *Northern History* 41 (2004), pp. 289–300; W. Mackay Mackenzie, 'The Debatable Lands', *SHR* 30 (1951), pp. 109–25. A particularly intractable problem arose over the theft of some cattle in 1517: BL Cotton MS Calig. B VI ff. 163–71; Wolsey to Henry, Aug. 1517, TNA SP1/16 f. 15v; Dacre to Wolsey, 1517, BL Calig. B VI f. 162.

²¹ A memorial of the articles for the Treaty, 11 Jan 1526, TNA SP1/37 f.4; Response of the Scottish Council to the articles for the treaty, Jan. 1526, BL Cotton MS Calig. B VIII f. 6r. A very similar Latin copy of the articles on the debatable grounds (TNA SP1/26 f. 180) has been wrongly assigned the date of 1522 on the grounds of its current location amongst manuscripts from that year.

²² Treaty of Norham, 10 June 1551, TNA SP50/5 f. 119.

lands. These stemmed from his belief 'qu'il est question de la conservation des droicts du Royaume', implying that, as governor, his authority was insufficient to determine such questions.²³ Although the French certainly exerted substantial influence over the negotiations for Norham, the English reported that Châtelherault had maintained tight control over the Scots commissioners on a daily basis.²⁴ If it was Châtelherault who blocked the division of the debatable lands in 1551, he had evidently changed his mind on this subject at some point over the previous decade. In 1543 one article of the Anglo-Scottish peace had provided that 'the debatable land [was] to be devidit, swa that ilk realme may ken thare awin part and puniss the inhabitantis tharof for thare demeritis'.²⁵ There is no evidence offering a direct explanation for this change of heart. Although by 1551 Châtelherault may have felt he needed to consult Henri as protector on the subject, the exclusion of the debatable lands from the Treaty of Norham implies that his concerns were heeded. Certainly, Henri had ample opportunity to override Châtelherault and sanction a division of the debatable lands between March 1550/1, when Châtelherault raised his concerns, and the final treaty in June.

Despite the official peace, the borders remained disturbed during the autumn of 1551, just prior to Guise's return from France via England. During her first privy council meeting following her arrival home, on 7 December 1551, Guise joined in a discussion initiated by letters from Châtelherault, then away from Edinburgh, regarding whether or not the border warden Lord Maxwell should ride into the debatable lands to punish miscreants.²⁶ Maxwell had agreed with his opposite English number, Conyers, to do so, but Conyers had not appeared at the appointed time. The council ordered Maxwell to continue but to be careful not to enter England and so jeopardise the peace, a decision which proved the trigger for the English to suggest a final division of the debatable lands.²⁷ Conyers had decided to hold back on entering the debatable lands until permission had arrived from London; since this had not been granted, Maxwell's decision to proceed, as endorsed by the Scottish council, became the subject of substantial controversy in England. The English privy council invited the French ambassador, Claude de Laval of Boysdauphin, to discuss the situation. Boysdauphin's suggestion that Conyers

²³ 'Autres articles pour remonstrer au dict seigneur Roy de par le Gouverneur et Conseil d'Escosse' [March 1550], NLS 35.1.5 f. 164v. 'it is a question of conserving the rights of the kingdom'.

²⁴ Sir Thomas Chaloner to Cecil, 14 May 1551, TNA SP50/5 f. 86r. For French influence on the treaty see: Ritchie, *Mary of Guise*, pp. 51–60.

²⁵ RPS, 1543/3/12. Date accessed: 21 April 2014.

²⁶ Privy Council Register, 1550–4, NRS PC1/2 f. 41r. Châtelherault was absent from the council in Edinburgh: he was somewhere between Grange (in Banffshire) and Dunfermline: Libri Emptorum, NRS E32/10 ff. 15v–16r. This was probably in turn prompted by two letters from the English: Edward VI to Châtelherault, 21 Dec. 1551, TNA SP50/5, f. 169; Edward VI to Guise, 21 Dec. 1551, TNA SP50/5 f. 167.

²⁷ J. G. Nichols (ed.), *Literary Remains of King Edward VI* (London, 1857), pp. 389–90.

simply proceed as originally agreed and enter the debatable grounds and burn them as Maxwell had done was dismissed.

Later that month, the Scottish privy council accepted the English suggestion that the debatable lands should be partitioned. Both Châtelherault and Guise were present, and no dissent was recorded. Likewise, no dissent emerged in March 1552 when the council issued instructions to the commissioners to proceed to carve up the area 'In ane equale manner or thairby as ye can aggre be *zour* awin discretions That ane half to pertene seueralie to Scotland & yat vyer to Inland in tymes cuming'.²⁸ As Bonner noted, Guise was certainly corresponding on this topic over the summer.²⁹ Ascertaining Châtelherault's role in the negotiations that followed is hindered by the fact that most of the correspondence which he sent regarding this matter, ranging from a message sent with Islay herald direct to the English council to notes to Maxwell and English representatives on the borders, is no longer extant.³⁰ Nevertheless, it is clear that despite Châtelherault's presence on justice ayres in Inverness and Aberdeen over the summer, he continued to send and receive messages regarding the division.³¹ He was not alienated or excluded from these negotiations.

Châtelherault's involvement here is striking since hitherto these negotiations have been read as a successful attempt by Henri to elevate Guise's significance at Châtelherault's expense. This claim has rested on the fact that Châtelherault was not named as a commissioner to directly negotiate with England and that, at about the same time, he was sent a request to arrange for losses suffered by French merchants to be made good.³² This interpretation requires revision. First, the commissioners were appointed according to usual practice in a meeting of the privy council. The council regularly recorded the discussion of foreign correspondence which it received. Since no letter from Henri was recorded on this date, it seems highly unlikely that he dictated the choice of commissioners. Gilbert Kennedy, earl of Cassillis, was politically close to Guise, yet he, like Robert Maxwell, sixth lord Maxwell and border warden, and James Douglas, laird of Drumlanrig, was a prominent landowner in the south west. Moreover, Cassillis and Maxwell respectively had experience in diplomacy and border administration. The legal expertise offered by the justice clerk, John Bellenden of Auchinoul, would have been essential to secure any lasting agreement, thus he was also a logical choice. Regardless of what these men thought of a given ruler, their expertise, local or legal, was necessary to secure any workable agreement. Secondly, like monarchs, regents were never appointed to deal directly with foreign commissioners, and, again like monarchs, it was a regent to whom a foreign power would

²⁸ Privy Council Register, 1550–4, NRS PC1/2 ff. 43r, 46r.

²⁹ Bonner, 'Politique of Henri II', p. 78.

³⁰ Treasurer's Account, 1551–2, NRS E21/44 ff. 72r, 77r, 81r.

³¹ Treasurer's Account, 1551–2, NRS E21/44 f.77r.

³² Bonner, 'Politique of Henri II', p. 80 n.346.

address requests for restitution of property harmed by Scots. In requesting that Châtelherault redress a grievance of the French merchants, Henri thus *acknowledged* rather than undermined his authority.

The position of the Anglo-Scottish border through the debatable lands was eventually settled in August 1552, when Boysdauphin secured English acquiescence to Guise and Châtelherault's suggestion about where the border should fall.³³ The final marking of the division on the ground took place in September, witnessed by significant inhabitants of the area.³⁴ Although the French ambassador to London played a crucial role in these negotiations, and was treated by the English as though he represented the Scots, he did not eclipse either the governor or the council. Indeed, arguably, from the Scots perspective, piggy-backing on French diplomatic arrangements held advantages. Running embassies was an expensive matter and French ambassadors would doubtless have enjoyed greater prestige and influence at the English court than a Scot could have expected. In September 1553, for instance, the Scots in their turn exploited the ear of the French ambassador in London as a route to the English government: Ross Herald was sent to London with instructions for Noailles requesting that he would complain on their behalf regarding the incursions into Scotland made by English border dwellers.³⁵ Noailles was instructed to contact Henri only if the English refused to acquiesce in the request to appoint commissioners to resolve these matters. French influence and involvement in Scots diplomacy during Henri's protectorate was undeniable, but an emphasis on this should not be allowed to obscure instances, such as these, when the Scots continued to exert agency and influence through French channels for their own ends.

The negotiations regarding the debatable lands were slightly preceded by negotiations surrounding Orkney. In the same letter of March 1550 in which Châtelherault had expressed reservations regarding his authority to negotiate concerning the debatable lands, he summarised negotiations concurrently being undertaken with Christian III of Denmark-Norway.³⁶ Technically, Scotland had never owned Orkney, since the islands were offered as a pledge for the full payment of the dowry of James III's queen, Margaret, daughter of Christian I.³⁷ In theory, should the dowry ever be paid, Orkney would revert to

³³ Agreement between England and the French ambassador regarding the debateable lands, 16 Aug. 1552, TNA SP50/5 f. 173. The relative positions suggested at various points in the negotiations are clearly shown in a map produced by the Englishman, Henry Bullock: TNA M.P.F.257.

³⁴ Treasurer's Account, 1551–2, NRS E21/44 f. 90.

³⁵ Privy Council Register, 1550–4, NRS PC1/2 f. 77v.

³⁶ 'Autres articles pour remonstrer audict seigneur Roy de par le Gouverneur et Conseil d'Escosse', [March 1550], NLS 35.1.5 ff. 163v–165v.

³⁷ Norman Macdougall, *James III* (Edinburgh, 1982), p. 78. For the Danish claims to Orkney and Shetland: Thorkild Livy Christensen, 'Scoto-Danish Relations in the Sixteenth Century: the Historiography and Some Questions', *SHR* 48 (1969), pp. 85, 88; G. Goudie, 'The Danish Claims upon Orkney and Shetland', *Proceedings of the Society of Antiquaries of Scotland* 21 (1887), pp. 236–51.

Danish control, and the election charters of the Danish monarchs compelled them to redeem the pledge at the earliest possible opportunity.³⁸ Christian III's prudent financial management ensured that his treasury was running at a surplus, thus from 1549 he attempted to repay the balance of the dowry owing to Scotland.³⁹ Although Christian considered his right to Orkney was 'obvious enough to justify a war' to regain the territory, he refrained from violence.⁴⁰ Châtelherault was unwilling to settle the matter, but was concerned that his delaying tactics might provoke Christian to declare war.

Châtelherault had maintained diplomatic contact with Christian III throughout his governorship.⁴¹ Occasionally he and Guise maintained a double-act in correspondence with Christian, writing letters conveying similar information or making identical requests.⁴² Whilst the governor invariably addressed the Danish monarch in Latin, prior to 1554 Guise wrote in French, although during her regency she corresponded with Christian in Latin. This shift in language implies that Guise's letters during Arran's governorship enjoyed only semi-official status, which raises questions surrounding the point of this exercise. Potentially, Guise's letters were simply designed to add extra weight through showing uniformity amongst the Scottish elite; alternatively, perhaps they were designed to hint at French approval or support for the governor's actions. On occasions when no comparable letter from Châtelherault survives, this probably indicates that Guise simply took a personal interest in the individual for whom she wrote.⁴³ Unlike her correspondence with England in the late summer of 1544, these letters did not challenge the governor's authority.⁴⁴

Much of Châtelherault's Danish diplomatic activity focused on attempts to procure aid in the war against the English.⁴⁵ To this end, he emphasised the bellicose nature of his southern neighbours, describing the Rough

³⁸ Thorkild Liby Christensen, 'The Earl of Rothes in Denmark', in I. B. Cowan and D. Shaw (eds), *The Renaissance and Reformation in Scotland: Essays in Honour of Gordon Donaldson* (Edinburgh, 1983), pp. 60–74 at p. 69. This remained the case even after the estates approved crown annexation of the islands. Macdougall, *James III*, p. 91.

³⁹ Paul Douglas Lockhart, *Denmark, 1513–1660: The Rise and Decline of a Renaissance Monarchy* (Oxford, 2007), pp. 34–5.

⁴⁰ Christensen, 'Scoto-Danish Relations in the Sixteenth Century', p. 85.

⁴¹ Mary, Queen of Scots [Arran] to Christian III, 10 June 1543, in Annie Cameron (ed.), *Warrender Papers* (2 vols, Edinburgh, 1931), I, pp. 8–9.

⁴² Châtelherault to Christian III, 2 July 1552, Rigsarkivet (The Danish National Archives), Copenhagen, Skotland AI; Guise to Christian III, 1 July 1552, Rigsarkivet, Skotland AI.

⁴³ Guise to Christian III, 5 Oct. 1553, Rigsarkivet, Skotland AI.

⁴⁴ For these letters see: Mary, Queen of Scots [Guise] to Henry VIII, 21 June 1544, BL Royal MS 18.B.VI f. 168v; Guise to Henry VIII, 19 July 1544, Royal MS 18.B.VI f. 169r.

⁴⁵ Mary, Queen of Scots [Arran] to Christian III, 30 April 1544, *Warrender Papers*, I, p. 10; Hay's Instructions to Christian III, *Warrender Papers*, I, p. 11; Thomas Majoribanks was also sent to Denmark, possibly to join Hay, in July 1544: Treasurer's Account, 1543–6, NRS E21/41 f. 88v; a Danish herald came in March 1545: Treasurer's Account, 1543–6 NRS E21/41 f. 137v; more writings were exchanged in September 1546: Treasurer's

Wooings as ‘nostri lure belli’: our just war.⁴⁶ The policy of seeking Danish aid had strong antecedents, for Albany had made similar pleas during his governorship.⁴⁷ During Lyon Herald David Lindsay’s mission to Denmark in 1549, however, Christian had revealed his intention to reclaim Orkney, precipitating negotiations throughout 1550.⁴⁸ Following Lindsay’s return to Scotland, the Danish herald, Charles Houston, arrived in the Scottish court.⁴⁹ Châtelherault formulated an initial response to this dilemma without waiting for advice from Henri, instituting a delaying tactic of requesting that the question of Orkney should only be settled when ‘la Reyne soit en âge’.⁵⁰ Rather than awaiting French instruction, Châtelherault requested that Henri should write to Christian confirming his position, and mentioned the necessity of preparing for the defence of the islands should war ensue.⁵¹ The spectre of further financial outlay raised before Henri anticipated the arguments put forward in 1552 to discourage the breakdown of the Treaty of Binche, and was probably the most compelling case available to influence his behaviour. By the time the governor wrote to Henri, he had already despatched ‘un herault’ to Denmark. It is probable this ‘herald’ refers to an embassy headed by George Lesley, fourth earl of Rothes, rather than a separate mission, as the only payments disbursed for travel to Denmark in this period were directly associated with Rothes’ embassy.⁵² It is also worth noting that although Guise was present in Scotland until August 1550, there is no extant evidence that she played any part in these arrangements.

Henri did as Châtelherault had asked, and wrote to Christian observing that Mary would attain her majority in two years, at the age of ten.⁵³ It is unclear from whence this idiosyncratic choice of age for monarchical majority originated; Rothes, representing the Scots, played for slightly more time, asserting that Mary would come of age in three years and four months, aged twelve.⁵⁴ These conflicting claims suggest that the Scots and French lacked a coherent strategy in this area, and simply wanted to defer this awkward question for as long as possible.⁵⁵ If this is the case, it exposes the practical problems encountered by Henri in co-ordinating or controlling Scottish diplomatic affairs.

Account, 1543–6, NRS E21/41 f. 235v; Merriman, *Rough Wooings*, pp. 173–6. Arran to Christian III, 6 April 1546, Rigsarkivet, Skotland AI.

⁴⁶ Arran to Christian III, 1 Sep. 1546, Rigsarkivet, Skotland AI.

⁴⁷ Credence by Albany to John Dickson, Ross Herald, 7 May 1524, *Letters of James V*, pp. 101–2.

⁴⁸ For Lindsay’s expenses in Denmark: Treasurer’s Account, 1546–50, NRS E21/42 ff. 232, 307.

⁴⁹ Treasurer’s Account, 1546–50, NRS E21/42 f. 330.

⁵⁰ ‘Autres articles pour remonstrer audict seigneur Roy de par le Gouverneur et Conseil d’Escosse’ [March 1550], NLS 35.1.5 f. 165v.

⁵¹ Châtelherault to Henri [Mar. 1550], NLS 35.1.5 f. 165v.

⁵² Treasurer’s Account, 1546–50, NRS E21/42 f. 330.

⁵³ Christensen, ‘The Earl of Rothes in Denmark’, p. 70.

⁵⁴ Christensen, ‘The Earl of Rothes in Denmark’, p. 72.

⁵⁵ Christensen, ‘The Earl of Rothes in Denmark’, pp. 72–3.

In any event, casting doubts upon the legality of Châtelherault's ability as governor to cede territory worked: Christian dropped the idea, although it resurfaced later in the century.⁵⁶ Châtelherault's avowed reservations regarding his ability as a regent to settle disputed territories were not shared by his predecessors. During Albany's absence in 1518 the regency council's refusal to return Orkney rested not on arguments about James V's age, nor even Albany's absence from Scotland, but a technical omission in the associated paperwork.⁵⁷ Furthermore, in 1524 Albany offered Frederick I the chance to redeem the pledge on Orkney as an alternative to sending military aid.⁵⁸ Albany's ejection from the governorship shortly thereafter, however, led to a shift in Scottish policy towards Denmark-Norway which halted any negotiations.⁵⁹

There is no evidence how, or even whether, Châtelherault's concerns about the limits of his powers were related to Henri's protectorate, although he had apparently believed himself competent to settle the debatable lands in 1543. Since Châtelherault ultimately settled on one territory and not the other it is possible that his concerns about the limits of his powers as regent were simply a rhetorical ploy. The debatable lands remaining unsettled posed a threat to Anglo-Scottish amity and impeded domestic order. Furthermore, since the debatable lands did not belong to either country, both parties emerged having preserved their honour intact. By contrast, since Orkney was a lucrative source of income, the crown had substantial financial interest in its retention, particularly in view of its position as part of Guise's jointure and the depredations of the Rough Wooings on income, as outlined in chapter

⁵⁶ Christensen, 'The Earl of Rothes in Denmark', pp. 60–74.

⁵⁷ Council to Christian II, 20 June 1518, Hannay, *Letters of James V*, p. 61. This item does not mention Orkney by name, but it can be inferred that the reference to 'pledged lands' meant Orkney.

⁵⁸ Credence by Albany to Sir John Smith for Frederick I [May 1524], *Letters of James V*, p. 102.

⁵⁹ Lockhart, *Denmark, 1513–1660*, pp. 14–19. Scoto-Danish relations during this period are also overviewed in: W. S. Reid, 'The Place of Denmark in Scottish Foreign Policy, 1470–1540', *Juridical Review* 58 (1946), pp. 183–200. Frederick had gained power in 1523 by deposing his nephew Christian II. Frederick was supported by France, Christian was the brother-in-law of the Holy Roman Emperor and thus enjoyed imperial and English backing. Margaret switched support from Frederick back to Christian, putting Scotland in line with the Anglo-imperial axis. For Albany and Frederick: Instructions to John Smith by Albany for Frederick I, 14 Feb. 1524, *Letters of James V*, p. 98; Albany to Frederick I, 21 March 1523/4, *Letters of James V*, p. 99; Albany to Frederick I, 7 May 1524, *Letters of James V*, p. 101; Credence by Albany to Sir John Smyth for Frederick [May 1524], *Letters of James V*, p. 102; Christensen, 'Scoto-Danish Relations in the Sixteenth Century', pp. 86–7. Credence by Albany to John Dickson, Ross Herald, 7 May 1524, *Letters of James V*, pp. 101–2. For Margaret and Christian: James V to Christian II, 8 Aug. 1524 in Carl Unger and H. J. Huitfeld-Kaas (eds), *Diplomatarium Norvegicum* (22 vols, Christiania [Oslo], 1903), XVI, p. 483; Alexander Kinghorn's report to Christian, c.11 Nov. 1524, *Diplomatarium Norvegicum*, XVI, p. 516; Emond, 'Minority of James V', p. 392.

three.⁶⁰ Indeed, Rothes even expressed Scots concerns on this matter to the Danes.⁶¹

Considering the two sets of negotiations surrounding disputed territories exposes the practicalities of the protectorate. Henri was not in Scotland, and as such, decisions had to be made without his say-so. Henri intervened when Scotland attempted to negotiate independently with the Emperor, but when it came to Orkney he supported Châtelherault's strategy. Henri might have considered that Orkney and the Danes were not significant enough to bother about, but from the Scots perspective the potential loss of land (and crown income) was critical. Moreover, as the example of the negotiations surrounding the debatable lands demonstrates, French involvement in diplomatic negotiations during this period does not necessarily imply French domination. Whilst Guise's ascent to power in 1554 rendered the protector-regent relationship more harmonious, prior to this, although Henri was successful in translating his understanding of his role as 'Protector' into practice on some occasions, on others, he encountered resistance and met with failure. Looking beyond the protectorate itself, the negotiations undertaken in 1550 reveal the continued co-existence of multiple understandings of the extent of regents' powers. Regents could resolve questions of disputed territory, but sufficient ambiguity surrounded this right that regents could avoid acting when necessary. By contrast, when it came to negotiating with Henry VIII, ambiguities surrounding regency proved a double-edged sword.

Legitimacy and Diplomatic Relations during the Minorities of James V and Mary: Sovereignty and Suzerainty

Scottish regents during the first two sixteenth-century minorities were fortunate in that they were largely accepted as legitimate representatives of crown authority by foreign powers. Chapter one, for instance, outlined the cautious French response to attempts to oust Margaret from the regency. Nevertheless, Albany and Arran faced a shared challenge to their legitimacy as governor. This originated south of the border, in English claims that the monarchs of Scotland were their vassals and owed them homage. This section of the chapter will explore how and when various justifications for involvement in Scottish affairs were employed by the English during the minorities of James V and Mary. Whilst assertions of suzerainty could be deployed at any time, following the marriage of James IV and Margaret Tudor a new rhetorical weapon emerged for use in the English arsenal, namely, Henry's avuncular

⁶⁰ A new tack agreement of 3,000 merks per annum had been signed in 1542: RSS, II, p. 733. For lower payments during the previous decades see: the Bailies ad Extra Accounts, NRS E38/347–NRS E38/417. For the increased income from the new tack: Bailies ad Extra Account North of Forth, 1542, NRS E38/419; Bailies ad Extra 1543, NRS E38/421.

⁶¹ Christensen, 'The Earl of Rothes in Denmark', p. 71.

concern for his young relatives. Moreover, during the minority of James V, Henry's insistence upon James IV's will as the only source of legitimacy for a regent ignored established practice that widows lost rights of tutory on remarriage. Since relations between Henry and Margaret moved from hot to cold, this particular assertion enjoyed only sporadic appearances. Henry's attempt to undermine Albany was the only sustained English attempt to challenge a regent specifically on the grounds that his regency was invalid. As such, it demonstrates the sheer opportunism which lay behind excuses for intervention in Scotland. The Scots' rejection of the Treaty of Greenwich in September 1543 provided an excuse for war, whilst, after Henry's death in 1547, claims for English suzerainty over Scotland were articulated vehemently by the Somerset regime. Following the cessation of the Rough Wooings excuses for intervention in Scotland were no longer needed.

Henry VIII's justification for war in 1512 rested on an assertion of his suzerainty over Scotland alongside allegations that the Scots were preparing for war and thus breaking the terms of the Treaty of Perpetual Peace.⁶² Immediately upon receiving news of James IV's death in 1513, Henry capitalised on the opportunity to obtain international sanction for his claims of overlordship by attempting to persuade Pope Leo X to reduce the archiepiscopal see of St Andrews to a mere bishopric, subject to the archbishop of York. Further, Henry claimed the right to appoint to vacant Scottish benefices.⁶³ It is possible that in so doing Henry had claimed to be either protector or governor of Scotland, since when the estates wrote to Leo X in 1515 confirming that the titles, and rights, of protector and governor belonged to Albany they explicitly denied Henry's adoption of this position.⁶⁴

Rome's importance in obtaining recognition of Scotland's status as independent and, indeed, of Albany's rights as governor, was further illustrated in 1520. Albany had been absent for three years, and Malcolm, third Lord Fleming, was sent as an ambassador to France requesting Albany's return to Scotland. Fleming explained that, if Albany did not return forthwith, bringing with him aid for the war effort, he would forfeit the governorship and the Scots would henceforth follow a pro-English foreign policy.⁶⁵ In response, Albany travelled not to Edinburgh but to Rome. The driving force behind this decision appears to have been Louise of Savoy, who was perhaps anxious to get Albany safely out of the way so that he would not upset negotiations with England during the Field of the Cloth of Gold.⁶⁶ Nevertheless, the trip proved fruitful since Albany obtained a papal bull from Leo X confirming James V's position as king, his own position as governor, and extending formal

⁶² MacDougall, *James IV*, p. 262.

⁶³ Henry VIII to Leo X, 12 Oct. 1513, BL Add. MS 15387 f. 9v.

⁶⁴ James V to Leo X, 3 July 1515, TNA E39/62.

⁶⁵ Flemming's instructions, 1520, AN J678 doc. 75.

⁶⁶ Articles sent to Madam [Louise of Savoy?] from Albany, [spring 1520], BN fonds français 3087 f. 194r.

papal protection to James and his kingdom.⁶⁷ Anyone menacing the infant monarch and his lands so protected was to face excommunication. Leo X had been encouraging Albany to make the journey to offer obedience to Rome on Scotland's behalf since at least 1518, and the two men were connected by marriage.⁶⁸ It remains unclear whether either Henry or Wolsey was aware of this bull.⁶⁹ Diplomatic pressure from the French or the Vatican may have encouraged Albany to retain the bull in secret, only to be deployed publicly in the last resort, whilst Leo's death on 1 December 1521 may have rendered the bull's efficacy uncertain. It is also possible that the bull was not circulated since it was primarily intended to confirm Albany's position within Scotland, following the threat to remove him. In 1524, however, the tables had turned again: Henry wrote to the pope desiring that James V's requests for benefices would be heeded, rather than those of his erstwhile governor.⁷⁰ Whilst ostensibly the missive's purpose was to assert James' independence from Albany, in practice, Henry also positioned himself as someone whose views mattered regarding such decisions.

Throughout Albany's governorship Henry consistently claimed that Albany had no rights to his position. In so doing Henry did not explicitly claim rights of appointment resulting from overlordship, rather, he focused on Albany's alleged status as a usurper. This position held considerably less potential to alienate Anglophile Scots, such as Margaret's estranged husband Angus and his family, though it sat uneasily with the reality that when Henry needed to negotiate with the Scots he was required to interact with Albany. This refusal to address Albany as governor surfaced in an Anglo-French peace treaty of 1515: whilst Henry grudgingly accepted the Scots' inclusion in the peace, he explicitly denied that this constituted recognition of the duke's governorship.⁷¹ The following year, Albany indicated that he would only confirm an Anglo-Scottish truce once his title of governor was inserted into the draft.⁷² Henry responded by conceding that Albany could do as he wished in the Scottish copy of the agreement, but refused to use Albany's title in the English version, 'as the said intitulation is but a seremonye and not materiall it is a thing that may be well omitted', especially since contests over titles had caused troubles between princes before. More specifically, Henry

⁶⁷ Bull of Papal Protection for James V and Scotland, 20 May 1520, NRS CH7/46.

⁶⁸ Leo X to Francis I, 5 Mar. 1518, *Letters of James V*, p. 56. Albany's sister-in-law, Madeline de La Tour, married Leo's nephew Lorenzo de Medici. Their daughter, Catherine, was initially Leo's ward and on his death the responsibility passed to Albany.

⁶⁹ Elizabeth Bonner, 'Stewart, John, Second Duke of Albany (c.1482–1536)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept. 2004; online edn, May 2006 [<http://www.oxforddnb.com/view/article/26488>, accessed 10 Nov 2013].

⁷⁰ Norfolk to Margaret, [19 Sep.] 1524, BL Cotton MS Calig. B VII f. 21v.

⁷¹ Letters patent by Henry VIII comprehending the Scots in the peace with France, 7 July 1515, NRS GD18/3103.

⁷² Certain articles concerning the king's mynd and pleasure to be declared to his cousin the duke of Albany, [late 1516/early 1517?], TNA SP49/1 f. 74v.

admitted that his reluctance to accept Albany's style as governor arose from his concern that 'it dependeth yet in question whedr the Quene of Scottes the kinges sister by reason of the last will and testament of the late king hir houseband shuld haue the said gouernance or the said duke It standeth not *with* the kinges honour to intitle the said duke to that name'.⁷³ Henry's ratification of this truce accordingly did not entitle Albany as 'governor', whilst James V's did.⁷⁴

By contrast, in January 1522 Henry chose not to assert Margaret's right to be regent, instead expressing his 'grant regret et displesir que le duc dalbanye soy pretendant heretier apparent et prochain successuer a la couronne descosse est non seulement arrive la entrepreunant comme gouverneur'.⁷⁵ Here, Henry engaged with Scots ideas about regency on their own terms, claiming that Albany was not the heir to the throne and accordingly was not governor. In the same letter, Henry professed fears for James V's safety, which, as we saw in chapter one, formed a particularly prominent facet of English attempts to subvert Albany's authority and proved useful in justifying intervention in Scotland as being directed against Albany rather than James.⁷⁶ Avowed avuncular agitation could be combined with broader sets of ideas surrounding rights of tutelage. Whilst suzerainty provided a one-size-fits-all excuse for intervention, familial proximity presented different rhetorical opportunities during minorities. This balance between suzerainty and familial concern is particularly evident on Albany's ejection from the regency.

Due to their deep-seated distaste for Albany and the French influence he represented, the English welcomed James V's 1524 declaration of his determination to rule in person. Wolsey claimed that due to James and Henry's proximity of blood the English king would 'procede as a moste loving fader wolde do *with* his goode son and after another sorte that Kings of englande haue befor tyme don *with* kings of scotlande'.⁷⁷ This hyperbolic hope for a new halcyon era of Anglo-Scottish concord was married to a belief that James had commenced his rule without Albany before he reached adulthood. Later the same month the Cardinal of York stated that Henry would press no claim to sovereignty during James' minority, since the English monarch hoped that kind treatment of his nephew would lead to lasting alliance.⁷⁸

⁷³ Certain articles concerning the king's mynd and pleasure to be declared to his cousin the duke of Albany, [late 1517], TNA SP49/1 f. 75.

⁷⁴ Ratification by Henry VIII of truce concluded with Albany on 24 July, 31 Dec. 1516, TNA E39/65; Ratification by James V of prolongation of truce with England, 7 Oct. 1517, TNA E39/66. UV lighting is necessary to read this document.

⁷⁵ Paris, Archives Nationales [AN], J679 no. 42. 'great regret and displeasure that the Duke of Albany, pretended heir apparent and next successor to the crown of Scotland, is not only arrived there but treated like [the] Governor'.

⁷⁶ Henry VIII to the Estates, 1 June 1516, BL Cotton MS Calig. B VI f. 159; Wolsey to Dacre, [1521], BL Cotton MS Calig. B III f. 52; Emond, 'Minority of James V', p. 366.

⁷⁷ Wolsey to Margaret, [early Aug.] 1524, BL Cotton MS Calig. B. II ff. 222–3.

⁷⁸ Wolsey to Norfolk, Instructions on James V's assumption of the government, 9 Aug. 1524, BL Cotton MS Calig. B. II f. 25r.

These dulcet-toned promises, however, never reached the realm of reality. In the immediate aftermath of Albany's ejection from the governorship, the English proposed that questions including the damage done to England by the late James IV, Henry's rights to the tutelage of James V on the basis of proximity of blood, and the homage due by the Scots to the English king should be referred to Wolsey and Louise of Savoy, then regent for François I.⁷⁹ Nothing apparently came of this idea. Whilst the explicit suggestion that Henry should be James' tutor was unusual, even in an English context, the belief that James V was not yet an adult in 1524 was shared more broadly. In the months following François' capture at Pavia, for instance, an anonymous Scots initiative for Albany's return was rejected by Louise of Savoy.⁸⁰ Savoy's failure to pursue this opportunity reveals just how stretched the French administration was following Pavia, and, concomitantly, how much Albany's presence was needed there. From a Scots perspective, this hope for Albany's return may have been informed by a belief that James was not yet an adult. This contention resurfaced August 1525 when Savoy agreed that Albany would not be permitted to return to Scotland for the remainder of James' minority.⁸¹

During James V's minority ideas surrounding English suzerainty had been sidelined in preference to employing alternative excuses for intervention in Scotland comprised of raising quasi-legalistic challenges to Albany's right to the regency. Henry's fierce espousal of the rhetoric of suzerainty in 1513, followed by a shift towards questions surrounding Albany's legitimacy as governor later in James' minority, foreshadowed his behaviour over the period 1542–3. Prior to James V's death, the English crown circulated a pamphlet which went to great pains to demonstrate that, although Henry had a right to homage from Scotland, in this instance, unselfishly, he was not seeking to press these rights: moreover, had Henry wished to do so he would have taken the earlier opportunity presented by James' minority. Rather, it averred, Henry now went reluctantly to war as a result of a series of provocations whereby his headstrong and aggressive nephew had breached diplomatic protocol.⁸² This defence of the 1542 invasion constituted the most assertive and uncompromising claim made for English suzerainty to date.⁸³

⁷⁹ English articles proposed for a treaty with the Scots, [1524/5], BL Cotton MS Calig. B.VI f. 155r.

⁸⁰ Louise of Savoy to the Estates of Scotland, [1525], AN J678 ff. 77–8; Instructions to unnamed French ambassador to Scotland, 17 June 1525, AN J568 f. 81.

⁸¹ Anglo-French agreement, 30 Aug. 1525, AN J678, f. 47.

⁸² Anon., *A declaration conteynyng the iust causes and consyderations of this present warre with the Scottis wherin alsoo appereth the trewe & right title the Kinges Most Royall Maiesty hath to the souerayntie of Scotlande* (London, 1542).

⁸³ Roger Mason, 'Scotching the Brut: Politics, History and National Myth in Sixteenth-Century Britain', in Roger Mason (ed.), *Scotland and England 1286–1815* (Edinburgh, 1987), pp. 60–84 at p. 63; Roger Mason, 'The Reformation and the origins of Anglo-British Imperialism', in Roger Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994), pp. 161–86 at pp. 168–9.

Yet, this robust rhetoric rapidly evaporated in 1543.⁸⁴ In view of its resurgence in propaganda later in Mary's minority the temporary English silence on this subject in 1543 raises two intriguing, but tentative, possibilities. First, it provides further possible evidence that Arran's adopted Anglophile, reforming persona was effective: Henry's assertions of suzerainty were rendered defunct since he saw a realistic chance of obtaining his objectives without the expense of a military campaign. Secondly, whilst the arguments employed to justify suzerainty were doubtless selected opportunistically, it is also possible that a deliberate distinction was made between the rhetoric which Henry employed for consumption in England, such as the pamphlet cited above, and the less antagonistic ideas presented for Scottish consumption.

English campaigns against Scotland during the 1540s, both propaganda and military, have already received substantial attention. We will overview this work before considering more specifically how regency figured during this period. As the *Rough Wooings* developed, ancient assertions that the kings of England were really the emperors of the whole island were given a novel apocalyptic twist based on hopes that the marital union between Mary and Edward would naturally lead to the political union of their neighbouring realms.⁸⁵ The development and strengthening of theoretical arguments for union along Protestant imperial lines was matched and mirrored by changes to the practical methods the English used to obtain this end, including 'assuring' Scots.⁸⁶ In 1543, 'assurance' comprised a promise to help the English in their endeavours. As time progressed, assurance entailed acceptance of Henry's overlordship.⁸⁷ This increasing aggression, both theoretical and practical, with which first Henry and then Somerset approached Scotland, had ramifications for how an English 'overlord' might relate to a regent acting on behalf of a minor monarch north of the border.

The assured Scots who returned in 1543 had promised to help secure the government of Scotland for Henry. Long term, this entailed a commitment to the nuptials of Mary and Prince Edward, but in the first instance, Henry wanted to be governor. Potentially, Henry was on the point of reviving ideas surrounding his alleged position as tutor to Mary's father. When Sadler arrived in Scotland following the March 1543 parliament, he berated several assured Scots that they had failed in securing this latter objective. The Scots 'excused the not proponing of the mater for the government, for your Majesty, because there was a governour chosen before'.⁸⁸ Deprived of the opportunity to become governor for Mary himself, Henry instead attempted

⁸⁴ Merriman, *Rough Wooings*, p. 267.

⁸⁵ Merriman, *Rough Wooings*, pp. 62–4, 111–14, 119, 265–91; Marcus Merriman, 'James Henrisoun and "Great Britain": British Union and the Scottish Commonweal', in Roger Mason (ed.), *Scotland and England 1286–1815* (Edinburgh, 1987), pp. 60–84.

⁸⁶ Mason, 'The Reformation and Anglo-British Imperialism', pp. 170–1.

⁸⁷ Merriman, 'Assured Scots', pp. 14–16.

⁸⁸ Sadler to Henry, 20 Mar. 1543, NLS Adv. 33.3.10 f. 50.

to win the support of the successful candidate. When Arran rejected Henry, and so proved to be merely a 'pretended governor', Henry welcomed Lennox as an alternative with open arms.⁸⁹ Lennox's support was particularly valuable for Henry since his place in the line of succession offered an alternative justification for military action which might prove persuasive in Scotland. If Arran was not the legitimate governor but a usurper then resistance to him in defence of the real regent could be justified. This claim to be defending Lennox's rights as regent secured the support of the inhabitants of the Western Isles for anti-Arran, rather than necessarily pro-English, military action.⁹⁰ Unsurprisingly, Lennox's resignation of his rights to the crown of Scotland, discussed in chapter one, was kept remarkably quiet at this juncture. From 1548 onwards, however, Lennox's significance to English strategy declined, alongside the rhetoric of godly union.⁹¹ In a campaign based on suzerainty, appeals to the rights of an individual to hold the governorship under Scots law became superfluous.

Evidently, Henry VIII and his servants did not need the excuse of a Stewart royal minority to expound their vision of an English-led Anglo-Scottish union. However, the minorities of James V and Mary presented distinctive alternative excuses for English involvement in Scotland. Both cases allowed Henry to exploit his status as an adult male in relation to a younger relative, whether cast as a concerned uncle or anxious great-uncle. With the heightened dynastic opportunities presented by Mary, however, the balance shifted from Henry challenging a specific regent to challenging Scotland's status as a sovereign nation. As Lennox's resignation of his rights to the crown in Scotland and acknowledgement of English overlordship shows, even when an alternative candidate for the regency emerged during the 1540s this was subsumed into the all-consuming project of an English-dominated union. Despite the evaporation of suzerainty as an active part of the English rhetorical arsenal following the Treaty of Norham and the end of the last full-scale Anglo-Scottish war, James VI's regents faced challenges to their legitimacy as fundamental as those facing Albany and Arran. Scotland might be a sovereign kingdom, but if Mary's deposition was invalid, then Moray and his successors were nothing more than usurpers.

⁸⁹ Suffolk to George Douglas, 30 Dec. 1543, BL Add. MS 32653 f. 219. This aspersion on Arran's legitimacy continued throughout the Rough Wooings: Proclamation on Scotland, 22 May 1549, TNA SP50/5 f.34.

⁹⁰ Alison Cathcart, 'The Forgotten '45: Donald Dubh's Rebellion in an Archipelagic Context', *SHR* 91 (2012), pp. 239–64, at pp. 248, 256, 261.

⁹¹ MacCauley, 'Matthew Stewart', p. 73. For the arguments selected by Somerset regarding suzerainty to be advanced towards the French ambassador: Somerset to Wotton, [Dec. 1548], TNA SP50/4 f. 121r.

Legitimacy and Diplomacy during the Minority of James VI

The precarious foundations on which the regimes of James VI's regents rested, and the literary efforts to shore these up, have enjoyed both contemporary and subsequent scholarly attention.⁹² What has not been so well appreciated, however, has been regents' use of diplomatic protocol to assert their own position as regent and, concomitantly, James VI's kingship. In representing the monarch, regents took their place in a very literal and physical sense, since they immediately obtained monarchical superiority of precedence, including over all foreign ambassadors. For the English ambassador Sir Nicholas Throckmorton in 1567, the question of Moray's precedence in relation to his own thus presented substantial difficulties. Throckmorton had initially been sent by Elizabeth to procure Mary's release from Lochleven, and had been instructed not to attend James VI's coronation in order that the English would not be seen to endorse Mary's deposition.⁹³ Following Moray's elevation to the regency, Throckmorton was obliged to redouble his efforts in this regard, since he now had to avoid recognising that James Stewart was no longer merely earl of Moray, bastard brother of Queen Mary, but regent of Scotland on behalf of the new monarch, King James VI. The day after Moray was elected Throckmorton explained to Elizabeth that by 'geuyng place unto hym [Moray] yt maye seeme your Majestie dothe allowe (by me) of hys aucthorytye, and of theyre procedinges in some sorte'.⁹⁴ As he told Burghley, every instance of social contact provided an opportunity to confirm or reject Moray's power and was thus fraught with diplomatic tension: 'At the preachinge where I ame present these matters wyll come in question, and so lykwise in all other assemblye. Iff I doo gyve place then doo I by that acte ratifye hys regentcye in the Quenes Majestys name: If I contend for the presidentcye and he myndyd to keape it, then fare well all treaty and audience geven me'.⁹⁵ It is unsurprising that Throckmorton confessed himself 'much perplexyd'.⁹⁶ Since the problem seemed intractable, he followed a time-honoured response of English ambassadors to Scotland faced with uncomfortable circumstances, and suggested it might be an appropriate juncture for him to return south. Unfortunately, the extant correspondence does not reveal how the dilemma was resolved.

Whilst Throckmorton's reports from the summer of 1567 are well known historical sources, less attention has been accorded to the presence of three French ambassadors in Scotland during 1567. Initially, the pro-Guise Philibert du Croc was present, and his recall in June and replacement with Nicholas Villeroy de Neufville constituted an anti-Guise, and thus potentially

⁹² Webb, 'The "Gude Regent"?', pp. 50–1.

⁹³ Throckmorton to Elizabeth, 26 July 1567, TNA SP52/14 f. 85.

⁹⁴ Throckmorton to Elizabeth, 23 Aug. 1567, TNA SP52/14 f. 166v.

⁹⁵ Throckmorton to Cecil 23 Aug. 1567, TNA SP52/14 f. 170.

⁹⁶ Throckmorton to Cecil 23 Aug. 1567, TNA SP52/14 f. 170.

pro-King's Party, development.⁹⁷ In addition to the French ambassadors, Moray had been accompanied by another diplomat, de Lignerolles, on his return journey. Catherine de Medici's personal jealousy of Mary combined with the declining influence of Mary's maternal relatives, the Guises, reduced the likelihood of French intervention on her behalf in 1567.⁹⁸ As such, Lignerolles's behaviour upon his arrival in Scotland signalled a French openness to negotiate. On his departure for France, for example, he followed all necessary procedures to endorse the regent's legitimacy by allowing Moray precedence over him and accepting the regent's parting gifts of 'a Baser and an ewer gylte twoe standinge cuppes gylte, and two Layers gylte, and twoe Hackeneys, with certeyne Scottyshe daggers garnysshed with syluer and gylte'.⁹⁹ In so doing, he reflected Moray's willingness to accept the parting gifts earlier offered to him in France.¹⁰⁰ By contrast, at Throckmorton's summons to return home, his failure to follow diplomatic protocol by accepting gifts offered to him as a departing ambassador provoked tensions. Having informed Moray of his recall, Throckmorton was invited to Moray's house after attending kirk on 30 August. Accompanied by Athol, Morton, Mar, Glencairn and Maitland of Lethington, Moray took Throckmorton 'into a lytle cabanet where they had prepared a preasent of gylte plate, as I esteemed yt better than twoe houndred Markes'.¹⁰¹ Throckmorton's refusal of this costly and covetable gift did not impress the assembled company. Twice, Moray personally insisted Throckmorton should accept, and Lethington accompanied Throckmorton home to his lodging, pleading with him to take the present en route.

Even more fundamental than the issues of precedence and presents, however, was that of address and titles. As we have seen, Henry VIII signalled his rejection of Albany's authority by denying him the use of his title of governor; in a reversal of this situation, Moray's regime sometimes deliberately omitted to use his title when it might cause tension. Despite the friendly exchange of presents between Moray and the French, Throckmorton noted that official letters sent informing the French of the change in government

⁹⁷ Webb, 'The "Gude Regent"?', p. 45.

⁹⁸ Webb, 'The "Gude Regent"?', p. 45.

⁹⁹ Throckmorton to Cecil, 26 Aug. 1567, TNA SP52/14 f. 171. Throckmorton may have exaggerated the extent of the gift slightly, for the Treasurer's Account records payments for only 'ane basing and ane lawer of siluer dowble overgilt'. Nonetheless, these two items alone came to the substantial sum of £229 10s and the remainder could have been taken from the royal collection or donated by one of the nobles present. Treasurer's Account, 1567–8, NRS E21/57 f. 22v.

¹⁰⁰ Webb, 'The "Gude Regent"?', p. 45.

¹⁰¹ Throckmorton to Cecil, 1 Sep. 1567, TNA SP52/14 f. 193v–194r. No payment for plate was made by the Treasurer in the period surrounding Throckmorton's departure, so the exact value of this offering is unclear: indeed, it could have been taken from the royal collection in order to provide a good quality gift at short notice. Two hundred marks was the equivalent of £133; assuming Throckmorton was thinking in English money and had assessed its value accurately, this gift was worth about £698 Scots.

were not sent in Moray's name as regent, but in the name of the nobility, supplemented by an additional, personal, letter from Moray to Charles IX.¹⁰² Moray's circumspect behaviour in this instance was replicated in letters to Elizabeth. Following his election as regent, in letters to Cecil or other English officials, Moray signed himself 'James Regent'.¹⁰³ This title also appeared in requests for safe-conducts, which presumably did not reach Elizabeth's eyes.¹⁰⁴ By contrast, in personal letters to Elizabeth, Moray continued to use his old signature of 'James Stewart'.¹⁰⁵ Moray's consistency in the practice strongly implies that this was a deliberate decision, a fact which is confirmed by a letter to Elizabeth dated 14 February 1568 where the 'S' of Stewart is written over a previous 'R'. Moray had evidently started to write 'James Regent', before remembering that the letter was to Elizabeth, and thereafter attempted to correct his mistake to save another copy being made.¹⁰⁶

The substantial collection of Moray's letters in the English state papers contains only one example of Moray's signature 'James Regent' in a letter to Elizabeth.¹⁰⁷ This is Moray's final extant missive to his cousin, dated 22 December 1569, two days before he captured Thomas Percy, rebel earl of Northumberland. Moray's new style of signature appears significant in the context of the recent Northern Rising in England, and its complex effect on domestic Scottish politics and Anglo-Scots relations.¹⁰⁸ Domestic disapproval for capturing Northumberland increased Moray's need for English support, whilst concomitantly providing him with a substantial bargaining-piece for use with the English. This combination of circumstances probably prompted him to use his title of regent in the December letter to Elizabeth as a method of asserting his legitimacy as a ruler and thus oblige her to help him quash his rebels as a *quid pro quo* for his efforts to obtain hers. The fact that no remark was made upon this change of signature implies tacit acceptance of this situation.

¹⁰² Throckmorton to Cecil, 26 Aug. 1567, TNA SP52/14 f. 171. If these letters survive, no copy is apparently extant in the Scottish, English or French national collections. These letters certainly do not survive in the Archives Nationales in Paris, nor are they listed in the catalogue of the Bibliothèque Nationale, although this inventory is far from comprehensive. It may simply be they perished along with many other ancien regime documents during the revolution.

¹⁰³ For what appears to be Moray's first extant diplomatic letter to England as Regent: Moray to Cecil, 30 Aug. 1567, TNA SP52/14 f. 181.

¹⁰⁴ For instance: Moray to Elizabeth, safe-conduct request for laird of Haltoun, 16 Oct. 1567, TNA SP52/14 f. 225; Moray to Elizabeth, safe-conduct request for George Hopper, 24 Feb. 1569, TNA SP52/16 f. 21.

¹⁰⁵ Moray to Elizabeth, 1 Jan. 1568, TNA SP52/15 f. 1.

¹⁰⁶ Moray to Elizabeth, 14 Feb. 1568, TNA SP52/15 f. 6.

¹⁰⁷ Moray to Elizabeth, 22 Dec. 1569, TNA SP52/16 f. 141. For earlier letters signed 'James Stewart' see: Moray to Elizabeth, 11 Mar. 1569, TNA SP52/16 f. 29; Moray to Elizabeth, 5 June 1569, TNA SP52/16 f. 48.

¹⁰⁸ Webb, 'The "Gude Regent"', pp. 153–6; Amy Blakeway, 'Kinship and Diplomacy in Sixteenth-Century Scotland: the Earl of Northumberland's Scottish Captivity in Its Domestic and International Context, 1569–72', *Historical Research* 87 (2014), pp. 229–50.

Unlike the cautious Elizabeth, or the circumspect French, the one European monarch who accepted Moray's regime as legitimate with alacrity was Frederick II of Denmark-Norway. Hitherto, historiographical interest on Scoto-Danish relations in this period has focused upon Frederick's refusal to extradite Bothwell to Scotland to face punishment for his involvement in Darnley's murder.¹⁰⁹ The fact that Frederick, alone of the European monarchs, immediately accepted Moray's regime as legitimate has not been examined. Indeed, it is probable that Moray's first official diplomatic letters as regent were penned to Frederick. On 25 August 1567, just three days after his inauguration, Moray wrote two letters to Frederick on James VI's behalf, the first in favour of a group of merchants and the second explaining that a mission on Frederick's behalf for troops to be raised in Scotland had been delayed due to Bothwell's malicious intervention.¹¹⁰ Whilst the second missive obliquely referred to broader political circumstances, neither letter detailed the circumstances of Mary's deposition, James' coronation, or Moray's appointment. This information must have been transmitted in a now lost letter or considered so sensitive that it was delivered orally.

Frederick's first letter to James VI, dated 1 October, responded to this lost message and demonstrates his immediate acceptance of the new regime; he unhesitatingly addressed his future son-in-law as 'Jacobo scotorum Regi, fratri & consanguini nostro charissimo', and commended himself to James' 'illustri gubernatore & proceribus regni scotiae'.¹¹¹ In addition to expressing dismay at hearing the news of 'de morte scotorum regis & captiuitatae serenissimae reginae & de statu reipublicae', Frederick expressed pious concern for the Kirk – it is likely that his interest in the reformed religion explains why Frederick was so willing to acquiesce to the coup.¹¹² It is also possible that Frederick was, at least initially, concerned with obtaining rights to raise Scots troops to fight against Sweden, an initiative which he had already launched in March 1567.¹¹³ Further attempts to raise Scots soldiers occurred in July

¹⁰⁹ John Guy, *My Heart Is My Own: a Life of Mary, Queen of Scots* (London, 2004), pp. 371–85. Frederick II Denmark to James VI, 30 Dec. 1567, TNA SP52/14 f. 231v.

¹¹⁰ Moray to Frederick, 25 Aug. 1567, Rigsarkivet, Skotland A1.

¹¹¹ NRAS 217 Moray muniments, Box 43, 60r. 'James king of the Scots, our dearest brother and cousin'; 'illustrious governor and the leading men of the commonwealth'. Despite the fact this letter was in the box of documents considered for inclusion in the HMC report, it was not published.

¹¹² 'the death of the king of Scots, and captivity of the serene queen, and the state of the kingdom'. Webb has noted that Mary's 'captivity' often referred to her 'enchantment' by Bothwell, rather than her imprisonment by the lords, and this is clearly the case here. Webb, 'The "Gude Regent"', p. 18.

¹¹³ Frederick II to Elizabeth, 3 March 1567, TNA SP70/89 f. 15v. This letter named Frederick's agent as 'John Clark', but there is some confusion surrounding Clark's identity. Lockhart provides evidence that a John Clark arrived in Denmark as Moray's agent sent to secure Bothwell's extradition, and received a frosty welcome from Frederick, being imprisoned immediately on charges of aiding the Swedes against Denmark and dying whilst imprisoned shortly thereafter (Lockhart, *Frederick II*, p. 148). Lockhart is seemingly

1568, when Frederick's ambassador promised Moray that Bothwell would be returned, and, presumably not merely coincidentally, received a licence to raise 500 men to fight against the Swedes.¹¹⁴ Strikingly, Frederick's letter of 1 October was penned before he had received an official messenger from the Scots: it was not until September 1567 that William Stewart, Albany Herald, was despatched to Denmark, Norway and Flanders.¹¹⁵

Frederick's acceptance of James' accession in 1567 was part of his broader tendency to prioritise confessional solidarity over support for established authority.¹¹⁶ As we saw earlier, in 1560 he had accepted the Lords of the Congregation as legitimate governors. Frederick's desire to regain Orkney had motivated his acceptance of the post-Guise regime, and it may have constituted a factor in his acceptance of Moray in 1567. On both occasions, in order to negotiate with any chance of success, Frederick had to accept the *de facto* rulers as legitimate *de jure* governors. Beyond Denmark, confessional solidarity may also have garnered Moray support from the Calvinist elector palatine, Frederick III, with whom he had corresponded in 1564 discussing the possibility of a Protestant league.¹¹⁷ Whilst the elector's immediate response to Mary's deposition is unclear, by 1569 he was negotiating, apparently willingly, with Moray.¹¹⁸

Elizabeth's refusal to accept Mary's deposition prior to 1569 frustrated many of her close advisors some of whom, such as Cecil, continued to harbour hopes for a godly union between the kingdoms.¹¹⁹ Although Elizabeth grudgingly came to accept the new regime, she consistently declined to formalise her relationship with Scotland. Shortly before his assassination, Moray requested that Elizabeth should consider 'takyng uppon hir the protection' of

unaware of the friendly letter discussed above in response to Moray's missive carried by Clark, nor of the earlier mission conducted by 'John Clark' to raise troops in Frederick's name. There are a number of possibilities. First, there were two John Clarks, one of whom was Moray's agent who was imprisoned; the second of whom was Frederick's agent. Secondly, it is possible that there was one John Clark who initially acted as an agent for Frederick; agreed to do some work for Moray in carrying letters, and then incurred the Danish king's wrath for his personal activities, despite the fact that the official letters he carried provoked a warm reply. Nonetheless, Frederick's support for Moray remains clear.

¹¹⁴ Drury to Cecil, 9 Jul. 1568, TNA SP59/15 f. 135. No mention is made of a gift for this ambassador in the Treasurer's Account nor is his presence noted in the privy council register.

¹¹⁵ Treasurer's Account, 1567–8, NRS E21/57 f. 28v. Albany Herald was paid for his voyage on 29 September, two days prior to the date on Frederick's letter.

¹¹⁶ Lockhart, *Frederick II*, pp. 9, 100.

¹¹⁷ Frederick III elector Palatine to Moray, 8 Apr. 1564, NLS Adv 33.1.15 f. 13r; Moray to Frederick III elector Palatine, 23 August 1564, TNA SP52/9 f. 111.

¹¹⁸ Frederick III elector Palatine to Moray, 16 Apr. 1569, NRS GD149/265, Part 2, f. 16.

¹¹⁹ Jane Dawson, 'William Cecil and the British Dimension of Early Elizabethan Foreign Policy', *History* 74 (1989) pp. 196–216; Stephen Alford, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven, 2008), pp. 34–5.

the Protestant faith, James VI, and his subjects.¹²⁰ Elizabeth declined. This refusal forms a substantial contrast to her acquiescence, albeit reluctantly, to take on the protection of Protestantism in Scotland during the Reformation Rebellion.¹²¹ It is hard to avoid the inference that from Elizabeth's perspective rebellion against a regent was more palatable than rebellion against a monarch. Regardless, Henry VIII must have turned in his grave as his daughter passed over a golden opportunity to assert English sovereignty over the whole island.

Despite Elizabeth's refusal to become 'protector' of James VI or Scotland in 1570, it is worth pausing to consider her role in the selection of regents. As an English subject, Lennox had to obtain Elizabeth's permission to travel to Scotland. Elizabeth's *de facto* control over Lennox's presence in Scotland has given rise to a belief that Lennox was effectively made regent at the English queen's behest.¹²² Recent scholarship has reassessed the process of Lennox's appointment, highlighting Elizabeth's reservations surrounding Lennox's suitability which caused her to resist Scots calls for his elevation for a number of months.¹²³ There is no evidence that Elizabeth referred to Lennox's previous negotiations surrounding the governorship with Henry VIII. However, this was not entirely forgotten in Westminster: the prospect of the earl's elevation to the regency may have been the prompt for Cecil's acquisition and annotation of a copy of the 1544 agreement whereby Lennox offered allegiance to Henry who in turn 'deputed him to be gouernor'.¹²⁴ Cecil underlined this phrase as significant.

Although Elizabeth was unwilling to pursue any notion of godly union, a vivid awareness that she retained a *de facto* degree of influence in the selection of regents was widespread amongst both Scots and English diplomats. Following Mar's appointment as regent in 1571, for instance, William Drury informed Burghley that a packet of letters sent south enclosed 'the regentes excuse for acceptatytin off the regentschype wythowte the q majesties consente, thereunto moved and pressed by nesessytye, and that he offers unto her hyghnes all good offyces'.¹²⁵ Indeed, Mar himself explained that although he was reluctant to accept 'I was not a litill animat remembering ye promeis of your hienes letter to me and my wyf sent wt ye erle of murray my nepho ye

¹²⁰ 'A note of the principal matters in Elphinstone's instructions', 19 Jan. 1570, TNA SP52/17 f. 15.

¹²¹ 'Articles agreed upon at Berwick', 27 Feb. 1559, *Calendar of the Manuscripts of the Most Hon. the Marquis of Salisbury, Preserved at Hatfield House, Hertfordshire* (14 vols, London, 1883–1976), I, p. 187; Roger Mason, 'Covenant and Commonwealth: the Language of Politics in Reformation Scotland', in Norman MacDougall (ed.), *Church, Politics and Society: Scotland 1408–1929* (Edinburgh, 1983), pp. 97–126 at pp. 116–17.

¹²² Gordon Donaldson, *Scotland James V to James VII* (Edinburgh, 2nd edition, 1994), p. 163.

¹²³ MacCauley, 'Lennox', p. 208.

¹²⁴ An indenture between Lennox and Wriothesley, 26 June 1544, BL Cotton MS Calig. B VII f. 312r.

¹²⁵ Drury to Burghley, 15 Sept. 1571, TNA SP52/21 f. 108.

kingis first regent at his last being in Ingland befor his death'. He anxiously went on to affirm that the estates had only used such haste in electing him regent because 'they all thocht sould be weill aneuch lykit of be your maiestie'.¹²⁶ The estates' letter to Elizabeth employed similar justification and language.¹²⁷ Elizabeth's response comprised an acceptance of Mar's apology for the delay in writing to her, an expression of satisfaction in the estates' choice, and, doubtless most hearteningly for Mar, a belief that the deposed queen was intent on 'the setting on fire both the Realmes with warres by bringing into the same of power of strangers'.¹²⁸ Mar's anxiety to procure English approbation had been shared by his predecessor, Lennox, and, in due course, motivated his successor, Morton.¹²⁹

What did the Scots understand by this situation? Was it simply an attempt to gain advice, or to back Elizabeth into a corner whereby she might at least behave like a protector even if she refused the title? More controversially, does this imply a belief that Mar, or any other regent, should seek English 'permission' to take the regency? English thinking on the subject could be quite straightforward: Sussex, for instance, recalled that following Moray's assassination Elizabeth was given the chance, but 'had refused to nomynat' a governor.¹³⁰ Regardless of what the English thought, there is no evidence that this emphasis on Elizabeth's approval was understood by the Scots as compromising Scotland's sovereignty or acknowledging English suzerainty. Following Moray's assassination, the king's men agreed amongst themselves that no-one would accept the regency without Elizabeth's advice first being received; on appointment, the successful candidate would thereafter request financial aid.¹³¹ Thus, this rhetorical emphasis served a practical purpose: emphasising Elizabeth's role in encouraging a regent to accept could be quickly extrapolated into a statement of her moral obligation to provide practical help. Echoes of this view sound in the reports of some English diplomats. Following Mar's death, Killigrew esteemed that 'ther wyll no honest noble man of the kings party take the regiment uppon hem without her majesties assistance and support'.¹³² Whilst he, correctly, guessed that the king's men would elect Morton, Killigrew bluntly stated that 'I beleve assuredly onlesse the Q Majestie doe incourage them bothe with words and good deads he will Refuse'.¹³³ Following Killigrew's efforts to provide such encouragement, on the day of his election Morton explained that he had 'cheiflie' accepted the

¹²⁶ Mar to Elizabeth, 13 Sept. 1571, NRS SP1/5 f. 48.

¹²⁷ The Estates of Scotland to Elizabeth, 6 Sept. 1571, NRS SP1/5 f. 46v.

¹²⁸ Elizabeth to Mar, 2 Oct. 1571, NRS GD124/10/30.

¹²⁹ Lennox to Burghley, 25 Aug. 1571, TNA SP52/21 f.36; Morton to Burghley, 1 Dec. 1572, TNA SP52/23 f. 255.

¹³⁰ Sussex to Cecil, 16 June 1570, TNA SP52/18 f. 123.

¹³¹ Instructions for Dunfermline, 1 May 1570, TNA SP52/18 f. 3v.

¹³² Killigrew to Sir Thomas Smith, 11 Nov. 1572, TNA SP52/23 f. 225.

¹³³ Killigrew to Sir Thomas Smith, 11 Nov. 1572, TNA SP52/23 f. 226; Killigrew to Elizabeth, 2 Dec. 1572, TNA SP52/23 f. 258.

regency because of his belief in Elizabeth's goodwill, and that he was 'in assured hope of hir fauorable protection and maintenance Specialie for the present payment of oure men of weir'.¹³⁴

Throughout the Marian Civil War, the King's Party recognised they needed English military muscle to take Edinburgh castle; moreover, as long as Mary was alive it was imperative for their own safety to keep her out of Scotland and out of power. They simply could not afford to pick a regent of whom Elizabeth disapproved. The problems which Moray encountered in obtaining acceptance of his rule as legitimate had arisen from Elizabeth's fundamental reluctance to accept James VI's coronation and thus deny Mary's position as queen. Although Elizabeth doubtless continued to harbour distaste for Mary's deposition, was tardy in response to Scots' requests for advice, and declined to become their protector, at least the king's men could take comfort from the fact that by late 1569 she grudgingly accepted their authority in Scotland. By contrast, the hopeful French behaviour of 1567 quickly evaporated. In May 1572, Philibert du Croc once again arrived on the Anglo-Scottish border.¹³⁵ Du Croc's recall in 1567 had signalled French willingness to negotiate, his return denoted a newly antagonistic policy. Having travelled through England, the ambassador anticipated waiting with the English warden, Henry Carey, Lord Hunsdon, until a safe-conduct arrived for his passage into Scotland. In order to acquire this paperwork, du Croc had to write to the ruler of Scotland, in this case, Mar. Hunsdon immediately perceived that du Croc had been instructed not to address Mar as 'regent'. This, Hunsdon considered, would entail Mar's refusal to provide a safe-conduct, thereby provoking a diplomatic breakdown.¹³⁶ Since the King's Party 'wold nott haue receuyd' a letter which omitted Mar's title of regent, Hunsdon intervened to effect a solution by writing himself to request safe-conducts on du Croc's behalf.¹³⁷ Despite Mar's professed surprise at this unusual arrangement, the safe-conduct was procured, but not before the delay had been noted and sparked discussion in the French court.¹³⁸

Once du Croc entered Scotland, attempts to negotiate with the King's Party became fraught with difficulty. In a reflection of Throckmorton's difficulties with Moray in 1567, Mar initially avoided meeting du Croc in person, concerned that giving audience to someone who acknowledged neither James VI's monarchy nor his own authority would 'preiudice the king's estate'.¹³⁹ By way of compromise, Mar sent his supporters Robert Pitcairn, commendator

¹³⁴ Morton to Burghley, 1 Dec. 1572, TNA SP52/23 f. 255.

¹³⁵ Webb, 'The "Gude Regent"', p. 45.

¹³⁶ This contrasts with the earlier Scots assumption that Elizabeth would not see a safe-conduct request: either Mar was more hands-on or alternatively Hunsdon thought this information would be passed on.

¹³⁷ Hunsdon to Burghley, 12 May 1572, TNA SP52/23 f. 35.

¹³⁸ Hunsdon to Burghley, 15 May 1572, TNA SP52/23 f. 41; Walsingham to Burghley, 9 May 1572, BL Harley MS 260 f. 210r.

¹³⁹ Drury to Hunsdon, 24 May 1572, TNA SP52/23 f. 57.

of Dunfermline, secretary to the King's Party administration, and William Ruthven, fourth Lord Ruthven, to meet du Croc. The envoys were empowered to take a message from the ambassador to the regent 'yf he had to say any thing pryvatly unto him as unto the cownty [count, or earl] Marr'. Despite this opportunity, du Croc merely repeated the official position regarding his mission and 'Answwred that the kinge his Master only desired the good peace and quyet of this country and medled not in the Attribucione of ony tytles or dignyties'.¹⁴⁰ Such bland official emphasis on the 'peace and quiet' of Scotland and 'ancient amity' between the realms remained a prominent part of French interactions with the Scots even after Morton's ejection from the regency in 1578.¹⁴¹ In this instance it perhaps had some effect, since on 16 July du Croc, accompanied by William Drury, received an audience with Mar.¹⁴²

The changing French attitudes towards regents' legitimacy remained an impediment to amicable diplomatic relations throughout James VI's minority. By 1573, although the French ambassador, Virac, addressed Morton as 'regent' directly, out of earshot he referred to the regent merely as the earl of Morton and to James VI as 'prince' – a fact the English ambassador Henry Killigrew discovered and reported to Morton.¹⁴³ As this tale-telling shows, Scottish contact with France gave the English cause for concern; in 1574 Killigrew remarked on rumours of 'practising for fraunce', although he later reported that he did not think there were plans afoot to remove James VI from Scotland.¹⁴⁴ At this point, the French still referred to James as the 'prince' of Scots; similarly, Morton was not afforded his title of 'regent'.¹⁴⁵ By 1575, the French decided upon a change of policy. In plans drawn up for a projected (but never fulfilled) embassy, Catherine de Medici's steward, Jacques du Val, Sieur de Mondreville, was instructed to address James as 'king' if he considered it expedient. This policy was adopted in order to avoid recurrence of the problems encountered by a previous ambassador.¹⁴⁶ This presumably referred to the 1573 embassy when Killigrew had acted as whistle-blower.¹⁴⁷ In addition to the deliberate public use of James's title,

¹⁴⁰ Drury to Hunsdon, 24 May 1572, TNA SP52/23 f. 57.

¹⁴¹ Fragment of instruction to Mondreville, BNF Fonds Français 3304, f. 122; Henri III to Morton no date, [1579], BNF Fonds Français 3304, f. 127; Henri III to James VI, 27 June 1584, BNF Fonds Français 3304, f. 132.

¹⁴² Drury to Burghley, 16 July 1572, TNA SP52/23 f. 136r.

¹⁴³ Killigrew to Burghley, 27 Apr. 1573, TNA SP52/25 f. 48v.

¹⁴⁴ Killigrew to Burghley, 17 June 1574, TNA SP52/26 f. 35v; Killigrew to Burghley 30 June 1574 TNA SP52/26 f. 65.

¹⁴⁵ Henri III to James VI, Oct. 1574, BNF Fonds Français 3304, f. 120v; Henri to Morton, Oct. 1574, BNF Fonds Français 3304 f. 121.

¹⁴⁶ 'Particullieur Instruction au Sieur de Mondreville Tresoiecte de Iondu du Roy am'r & monsieur d'hostel ordinar de la royne sa mere pour le voiage quil va faire en Escosse', BNF Fonds Français 3304 f. 123v.

¹⁴⁷ Virac had also visited Scotland in 1570, bringing substantial aid for the Queen's Party. John Gordon to Elizabeth, 18 April 1570 TNA SP52/17 f. 118; Sussex to Elizabeth, 23 April 1570, TNA SP52/17 f. 130.

Morton was entitled 'regent' in Mondreville's private instructions; had the ambassador set sail, presumably he would therefore also have been addressed as such.¹⁴⁸ Eventually, following Morton's fall in 1578, Mondreville was dispatched, with instructions bearing large similarities to those of 1575. On both occasions he was to instruct Mary's supporters of Henri's continued favour for their party, whilst commending Morton's service when in his company.¹⁴⁹ However, in a move which appears to have responded to Morton's fall, James was once again addressed as the 'prince of Scots'.¹⁵⁰ When news of this embassy reached England, it was immediately suggested that it was probably designed as a challenge to English influence.¹⁵¹

This changing policy surrounding James VI's title highlights the fact that his regents were being attacked on a different premise to that faced by their predecessors. The question behind the metamorphosing French attitude during the 1570s was not 'should this person be regent', but, rather, 'was Mary's deposition valid?' or, in other words, 'should there be a minority or a regent at all?'. This was a novel premise. Henry VIII challenged what being monarch of Scots meant in relation to being monarch of England, yet he never claimed that the incumbent monarch was not the rightfully monarch. Elizabeth, by contrast, remained quiet on questions of suzerainty, but was reluctant to acknowledge that the *de facto* monarch was also *de jure* legitimate. Despite the novelty of attacks on James' power, however, his regents' battles for acceptance were fought on the same sites as those of their predecessors; the use of titles, and diplomatic interactions. Moreover, throughout the century questions of legitimacy had grave practical ramifications ranging from the possibility of war to the hope of financial backing.

Pensions and Money

The foregoing discussion has alluded to numerous instances when regents sought acceptance as legitimate rulers as a precursor to obtaining foreign support for their rule, whether in the form of military supplies, soldiers or money. We now turn to this facet of regents' diplomacy in greater detail. As the Treaty of Haddington specified, Henri's protectorate was founded upon the principle that he should defend Scotland – this included footing the bill.

¹⁴⁸ Fragment of an instruction to Mondreville, 2 Nov 1575, BNF Fonds Français 3304 f. 122.

¹⁴⁹ 'Particullieur Instruction au Sieur de Mondreville Tresoitte de londiu du Roy amonsieur & monsieurs dhostel ordinar de la royne sa mere pour le voiage quil va fe' en Escosse', 2 Nov. 1575, BNF Fonds Français 3304 f. 123v; 'Instruction, Au Sieur de Mondreville', 1578, BNF Fonds Français 3304 f. 125v.

¹⁵⁰ Henri III to James VI [1578], BNF Fonds Français 3304 f. 126v; Catherine de Medici to James VI, 1578, BNF Fonds Français 3304 f. 127; Cipher code for Mondreville, 1578, BNF Fonds Français 3304 f. 129.

¹⁵¹ [Report to Burghley or Walsingham?], 1578, TNA SP52/27 f. 77.

The ensuing French use of pensions to build support within Scotland during the 1540s, and the costly military aid they provided during this period, has already been exposed by Bonner and Merriman.¹⁵² The details of this, therefore, will not be rehearsed here. Nevertheless, studies of Henri's protectorate benefit from contextualisation with practice during the minorities of Mary's father and son. Not only was foreign financial support during Mary's minority exceptional, but the evidence of such support is of exceptional quality. This section of the chapter will start by considering, based on more scanty sources than those extant for the 1540s and 1550s, the extent of French support for Albany's regime and their later payments to the Queen's Party during James VI's minority. Throughout the century successive French monarchs provided sympathetic Scots with both payments for military ventures and pensions delivered to individuals to secure their loyalty. This contrasts substantially with English practice. Like their French counterparts, English monarchs paid for military ventures in support of Scots to whom they were sympathetic. However, the English consistently paid fewer pensions to Scots throughout the century. Moreover, whilst the moment when France and Scotland were most closely bound politically during a minority, the Rough Wooings, represented the high point in the French pensions market, the moment when England and Scotland enjoyed their closest relations, James VI's minority, was not accompanied by vast sums of sterling to line personal pockets. Yet again, the distinctiveness of James VI's minority emerges. The changed dynastic agenda of Elizabeth's England in relation to James VI's Scotland, ongoing disquiet surrounding the validity of James' coronation, and the greater wealth of the French crown in comparison to the English, ensured that the practicalities of how Scotland's new primary diplomatic relationship operated developed along a new trajectory.

Although the efficacy of pensions in creating a 'party' at court in support of the donor country was often limited, and Scottish aristocrats were perfectly capable of simultaneously accepting cash from both England and France, contemporaries clearly believed that money had the potential to influence behaviour.¹⁵³ Foreign powers gave money and lands to influential Scots for services rendered or in the hope of future loyalty regardless of the monarch's age. Cardinal David Beaton, for instance, enjoyed the French bishopric of Mirepoix from 1537 onwards.¹⁵⁴ In 1564, Mary complained that a French pension offered to Maitland of Lethington was insultingly low for one so intimate with his monarch.¹⁵⁵ This brief comparison once again reminds us of

¹⁵² Merriman, *Rough Wooings*, pp. 331–4, 345; Bonner, 'Politique of Henri II', p. 105.

¹⁵³ Charles Giry-Deloisin, 'Money and Early Tudor Diplomacy: the English Pensioners of the French Kings (1475–1547)', *Medieval History* 3 (1993), pp. 128–46, at p. 138; K. M. Brown, 'The Price of Friendship: The "Well Affected" and English Economic Clientage in Scotland before 1603', in Roger Mason (ed.), *Scotland and England 1286–1815* (Edinburgh, 1987), pp. 139–62, at pp. 139–40, 155; Ritchie, *Mary of Guise*, p. 76.

¹⁵⁴ Sanderson, *Cardinal of Scotland*, p. 56.

¹⁵⁵ Randolph to Cecil, 22 Jan. 1564, TNA SP52/9 f. 9r.

the continuities between regency and adult rule, with the differences in this area being of degree rather than kind.

Although the facts of the exceptional French support for the Scots during the Rough Wooings are well known, these require contextualisation alongside domestic Scottish crown revenues.¹⁵⁶ Over eleven months from February to December 1550, the French paid 1,349,031 livres tournois towards the Scottish war effort, the equivalent of approximately £741,967 Scots.¹⁵⁷ Between 1546 and 1550 the combined average annual income of the Scottish treasurer and comptroller totalled £23,021.¹⁵⁸ French military investment in Scotland during eleven months of 1550 thus constituted approximately thirty-two times this sum. Even given that Guise's jointure had removed a large source of crown income, and that other domestic sources of income had declined during the Rough Wooings, raising such staggering amounts from Scotland's financial resources would have been beyond the wildest dreams of any Scottish ruler, monarch or regent. Mary's marriage to the Dauphin did not come cheaply to her future father-in-law.

Practice during the 1540s and 1550s may have been exceptional, but it was not unprecedented. Livres tournois had bankrolled Albany's regime a generation earlier, when the governor recognised that the financial strains of war with England could not be met from domestic crown revenues alone.¹⁵⁹ Estimates made in 1514 for the costs of Albany's mission to Scotland ranged from 25,000 livres tournois (should peace with England be maintained this would serve as a gift to cover costs incurred by Scotland during the 1513 campaign), to an enormous 438,950 livres tournois if war broke out.¹⁶⁰ It is unclear what proportion of this money Albany actually obtained, but either

¹⁵⁶ Bonner, 'Politique of Henri II', p. 105.

¹⁵⁷ 'L'estat de ce que a este paye poul la solde estats appoinetennans des soldats estans en Escosse du temps de monsieur de Terms Lieutenant general pour sa majestie audict pays pour troys moys entiere, commencans le 1 Jour fevrier en l'an 1549', BNF Fonds Français 3124 f. 21; BNF Fonds Français 4552 ff. 49v–50v. BNF Fonds Français 3140 ff. 76–7 details payment of 51,480 livres tournois for troops in September–October 1550, it is unclear if this is included in the larger totals or not. For an astronomical, undated, expenditure estimate: BNF Fonds Français 4552 ff. 72–73. In 1548 the franc stood at 1:0.6 against the Scots pound, by 1554, the franc (equivalent to the livre tournois) was at an exchange rate of 1:0.5 against the Scottish pound. This calculation is based on the assumption that in 1550 the exchange rate was between those two figures, at 1 franc:0.55 Scots pound.

¹⁵⁸ Treasurer's Account, 1546–50, NRS E21/41 f. 34 (figure obtained by dividing the four year total, £63,223, by four); Comptroller's Account, 1546–50, E38/433 (£28,860 divided by four). These figures are not deflated.

¹⁵⁹ Merriman, *Rough Wooings*, pp. 331–4, 345.

¹⁶⁰ 'Estat de l'ayde et secours', 1514, in Marguerite Wood (ed.), *Flodden Papers: Diplomatic Correspondence between the Courts of France and Scotland, 1507–1517* (Edinburgh, 1933) pp. 98–9; 'C'est ce que le roy a delibere faire pour le roy d'Escosse ou cas de la paix ou de la treuse', 1514, *Flodden Papers*, p. 99.

sum would have been an impressive gesture of support.¹⁶¹ Although the 10,000 livres tournois (£5,000) received by Albany in 1517 'Pour luy ayder a supporter les grandes frais mises et despences quil a supportez et soustenez audict Royaume descosse' was less munificent than these projected sums, it still effectively increased crown income by 36 per cent.¹⁶² In the spring of 1520 Albany requested further financial support from France to the tune of 30,000 crowns yearly to pay for a force of 1,000 footmen on the twofold grounds of rebels in 'plusieurs lieux' in Scotland, and war with England.¹⁶³ Assuming he was thinking in French money, this amounted to 10,000 livres tournois, or £5,000 Scots. Since Albany was instead dispatched to Rome it is unlikely that this money was received, but it is highly probable that further French funds were disbursed for which no record remains extant when he returned to Scotland in October 1520. Moreover, the Scottish treasurer did not pay the wages of the French troops who accompanied the abortive campaigns of 1522 or 1523–4. During the latter period these men numbered approximately 6,000 French troops.¹⁶⁴

The French distributed numerous pensions during Albany's regency, albeit, as with military funding, on a far smaller scale than the levels reached during the 1540s and 1550s. Albany received a French pension prior to his appointment to the governorship and this continued during his regency, in turn, his payments to important Scots helped to secure the loyalty he enjoyed prior to 1524.¹⁶⁵ During Albany's absence from Scotland, French pensions may have functioned as an alternative method of ensuring loyalty when deprived of the benefit of his presence: for instance, in 1520 François I considered sending 6,000 livres tournois to be distributed as pensions in Scotland to prevent Albany's ejection from the governorship.¹⁶⁶ It is, however, unclear if such proposed pensions were paid. There is also evidence of French attempts to use pensions as an incentive to secure Scotland's loyalty following Albany's ejection from the governorship, in part, at the former

¹⁶¹ Treasurer's Account, June 1515–Jan. 1516, NRS E21/13 f. 5; Treasurer's Account, Jan.–Oct. 1516, NRS E21/14 f. 5v; Treasurer's Account, Oct. 1516–Jan. 1517, NRS E21/15 f. 25.

¹⁶² Order to pay Albany's pension, 28 Aug. 1517, BNF Fonds Français 20,425 f. 20. 'To help him and support the great payments, outlays, and expenditure which he has supported and sustained in the said Kingdom of Scotland'. The Treasurer's and Comptroller's combined income was £13,722: Comptroller's Account, Oct. 1516–Sept 1517, NRS E38/359; Treasurer's Account, Oct. 1516–Jan. 1517, NRS E21/15 f. 25; Treasurer's Account, Jan.–Sept. 1517, NRS E21/16 f. 7.

¹⁶³ Articles sent to Madam [Louise of Savoy?] from Albany, [spring 1520], BNF Fonds Français 3087 f. 194r. 'Many places'.

¹⁶⁴ For the lack of payments: Treasurer's Account, 1522–4, NRS E21/18; for numbers of troops: Emond, 'Minority of James V', p. 365.

¹⁶⁵ Order to pay Albany's pension, 28 Aug. 1517, BN fonds français 20425 f. 20; Emond, 'Minority of James V', pp. 325, 347.

¹⁶⁶ François to Chancellor, [spring 1520], AN J678 f. 90.

governor's suggestion.¹⁶⁷ The French even tried to court Margaret with the offer of a substantial pension that year. Although she refused, the offer served as a bargaining chip in her negotiations with Henry VIII.¹⁶⁸

During the early minority of James V comparatively few English pensions were paid. However, Margaret Tudor's second husband, Archibald Douglas, earl of Angus, received English gold from at least 1521 and it is likely Henry was paying him, at least sporadically, prior to this date.¹⁶⁹ Payments to Angus continued until at least 1539, and probably only ceased in 1544 when he rejected England and joined Arran's Scottish administration.¹⁷⁰ Angus' receipt of English cash during the 1510s and early 1520s was unusual, but following Margaret's coup and the declaration of James' majority in August 1524 English payments of Scottish pensions increased. In August 1524, Margaret suggested that the first earl of Arran 'suld be honourable rewar-dit' at a level commensurate with his existing French pension. This entailed an offer of the Order of the Garter, intended to match the French collar of St Michael which he already sported, the equivalent of 900 francs, and a benefice worth at least £100 to be given to one of his (presumably illegitimate) sons, 'quhilk wilbe ane daylie remembrance to hyme' of Henry's generosity.¹⁷¹ Margaret's advice to open the English crown coffers was, for once, heeded. Arran did not receive the Garter, but by October Henry had made a series of one-off payments to James V, Margaret, Arran, Lennox and 'dyverse other scottismen', in addition, paying for the 'garryson appoynted abowtt the kinge of scottes'.¹⁷² Despite this gift, the importance of securing Arran's favour through a longer-term pension was re-stated by the English ambassador, Thomas Magnus, in January 1525.¹⁷³ Margaret's policy of trying to create support for her regime by the use of pensions may well indicate that she considered that Albany's earlier use of this strategy was efficacious.¹⁷⁴ Equally, pensions reveal Margaret's anxiety that, despite Albany's absence and ejection from the governorship, many Scots remained in favour of the French alliance.¹⁷⁵

¹⁶⁷ Louise of Savoy, instructions to [du Sagnes], [1525?], AN J680 f. 76; Louise of Savoy, instructions to [du Sagnes], 25 June 1525, AN J680 f. 81. *Papiers d'Etat*, I, p. 61.

¹⁶⁸ Emond, 'Minority of James V', p. 436.

¹⁶⁹ Dacres to Council, 4 Aug. 1515, TNA SP49/1 f. 57v; The Earl of Anguise Rekenyng, [Dec. 1533], TNA SP1/81 f. 54; Gardiner to Wolsey, 12 Aug. 1529, SP49/2 f. 107.

¹⁷⁰ Brian Tuke to Cromwell, 26 May 1534, TNA SP49/4 f. 44r; Brian Tuke to Cromwell, 4 Aug. 1539, TNA SP1/153 f. 7r.

¹⁷¹ 'These ar ye artickles send be me margaret ye quene of scottes to ye kingis grace my broder', 31 Aug. 1524, BL Cotton MS Calig. B I ff. 233r–234r.

¹⁷² Robert Lorde to Wolsey, 2 Oct. 1524, BL Cotton MS Calig. B I f. 74. Further suggestions were made in November: Magnus and Radcliffe to Norfolk, 15 Nov. 1524, TNA SP49/2 f. 132r; Norfolk to Wolsey, 16 Nov. 1524, TNA SP49/2 f. 133r.

¹⁷³ Magnus to Wolsey, 9 Jan. 1525, BL Cotton MS Calig. B II f. 88r.

¹⁷⁴ Emond, 'Minority of James V', pp. 423, 428.

¹⁷⁵ Margaret Tudor, 'These ar ye artickles send be me margaret ye quene of scottes to ye kingis grace my broder', 31 Aug. 1524, BL Cotton MS Calig. B II f. 235r.

Throughout the minorities of James V and Mary, the English and French sent money to Scotland for two distinct types of purchases: payments to support certain types of crown expenditure (pre-eminently defence, more occasionally subsidising the royal guard), and pensions to individuals. By contrast, from 1567 onwards French and English payments of pensions diverged. Ascertaining the scale of investments by France in Scotland throughout James VI's minority is problematic due to the lack of French accounts relating to diplomatic expenditure in this period. Sporadic reports of pensions and payments made to members of the Queen's Party, however, reveal that the sums involved were substantial. In 1573, for instance, Alexander Gordon, bishop of Galloway, reported that the 10,000-franc pension which he received from Mary's French estates had been newly augmented by a patent from the French crown worth 2,000 francs.¹⁷⁶ Galloway was discussing his own pension, but evidence for the arrival of French money into Scotland during James VI's minority emerges mainly through hearsay reported by English diplomats or soldiers. In November 1571, for instance, several rumours claimed that various forms of support were en route to Scotland. The items identified included a sum of money totalling 10,000 crowns or 40,000 francs, which may or may not have originated in the revenues due from Mary's income as dowager queen of France, whilst alternative reports suggested that it was soldiers rather than money that would arrive.¹⁷⁷ Speculation grew even wilder over dinner at the Regent Mar's house in December 1571, when Morton suggested that the sums sent in from France were in the range of 40,000 to 50,000 crowns, but Captain Ninian Cockburn, a former member of the Guard Ecosaise, claimed that he had definite proof the French were sending at least two million crowns. This information reached Hunsdon by way of one of his servants who had overheard the conversation and also reported that Morton's dependant Archibald Douglas had remarked 'that ynded the mony that came yerly owt of france the reuenuewse of the crowne bey[n]ge but smale, made many too be addycted more too the frenche then too us'.¹⁷⁸ Perhaps it was this hard-nosed insight which persuaded Burghley to give Douglas a present of £100 a couple of months later, following which Douglas rendered a promise of service to the English secretary.¹⁷⁹

Conflicting information likewise abounded on the subject of military support. On 6 March 1572, Morton appeared confident that no foreign forces would come in to Scotland, yet on the same day, Mar wrote to Elizabeth justifying his request for aid on the grounds that foreign aid for the opposition

¹⁷⁶ Galloway to Alexander Hay, 27 Feb. 1573, TNA SP52/24 f. 110r.

¹⁷⁷ Hunsdon to Council, 22 Nov. 1571, TNA SP52/21 f. 204v; Hunsdon to Burghley, 25 Nov. 1571, TNA SP52/21 f. 212r; Hunsdon to Council, 28 Nov. 1571, TNA SP52/21 f. 244.

¹⁷⁸ Hunsdon to Burghley, 14 Dec. 1571, TNA SP52/21 f. 239r.

¹⁷⁹ Douglas to Burghley, 6 Mar. 1572, TNA SP52/22 f. 85.

was imminent.¹⁸⁰ More secure evidence of French aid comes from December 1572 when Grange declared that the French had donated 2,000 crowns to the castle.¹⁸¹ This might have been true, but it could have been a display of bravado on Grange's part, or an attempt by Killigrew to render Mar's need for aid appear more urgent. In February 1573, 15,000 francs were reported to have been found (and promptly spent) by the king's men when they took Blackness castle from the queen's supporters.¹⁸² No further record of the funds remains extant.

What can be drawn out of this tangled web of rumours? Fundamentally, although the exact sums of money sent by the French into Scotland are unclear, the perception that the French were indeed sending cash to Scotland fuelled a widespread anxiety amongst English diplomats in Scotland that Elizabeth's failure to cough up comparable cash could cost her Scots supporters.¹⁸³ As early as 1567 Drury and his colleagues developed a refrain which remained prominent in their correspondence with Westminster throughout James' minority, flatly announcing that 'Iff they [the King's party] speake not Inglysche which they seame they wald fayn do, they wyll speake Frenche for they have neade or wyll have to be compounded with some other stooffe'.¹⁸⁴ During the abstinence (cease-fire) of the summer of 1572, Drury fumed to Cecil that Elizabeth 'desys rather to be a looker-on than a parte player amongst them, the ffrenche king is not of that mynde butt wyll have Irones in the fyre amongst them, not for the affection he beares them but for hym selffe'.¹⁸⁵ At points English officials even lacked funds to pay spies for providing intelligence.¹⁸⁶ In contrast to the French, and, indeed, to their own earlier behaviour, the bulk of English money entering Scotland during James' minority was spent on military efforts over which English generals exerted control, rather than being directly gifted to Scots. A rare offer of £1,000 sterling for Mar in October 1571, made as an attempt to counter French influence, and a 500-crown payment to the persistent Morton the following month were the exceptions rather than the rule.¹⁸⁷ The highest sum paid to an individual noble was apparently the £2,000 sterling given to William Douglas of Lochleven in 1572. Nominally, this was bestowed as reimbursement for Lochleven's expenses as gaoler to the earl of

¹⁸⁰ Morton to Leicester, 6 Mar. 1572, TNA SP52/22 f. 79; Mar to Elizabeth, 6 Mar. 1572, TNA SP52/22 f. 81.

¹⁸¹ Killigrew to Burghley, 10 Dec. 1572, TNA SP52/23 f. 260.

¹⁸² Killigrew to Sir Thomas Smith, 5 Feb. 1573, TNA SP52/24 f. 67r.

¹⁸³ Killigrew to Burghley, 14 Mar. 1573, TNA SP52/24 f. 134r; Killigrew to Smith, 13 June 1573, TNA SP52/25 f. 419v.

¹⁸⁴ Drury to Cecil, 3 Aug. 1567, TNA SP52/14 f. 7r.

¹⁸⁵ Drury to Burghley, 27 Aug. 1572, TNA SP52/23 f. 177r. For more on this dissatisfaction see: Amy Blakeway 'A Scottish Anti-Catholic Satire Crossing the Border: "Ane bull of our haly fader the paip, quhairby it is leesum to everie man to haif tua wyffis" and the Redeswyre Raid of 1575', *English Historical Review* 129 (forthcoming, December 2014).

¹⁸⁶ Drury to Burghley, 8 July 1571, TNA SP52/20 f. 205.

¹⁸⁷ Elizabeth to Drury, 6 Oct. 1571, TNA SP52/21 f. 136; Morton to Drury [Nov. 1571] TNA SP52/21 f. 231.

Northumberland, but it is likely that at least some of the money ultimately was given to Mar and spent on soldier's wages.¹⁸⁸

The £5,000 sterling which Moray received in 1569 following the York-Westminster conference falls into a slightly different category. This was a loan, due for repayment in two equal instalments in June and November that year.¹⁸⁹ However, the money was not repaid. In January 1570 Moray requested a further loan of £1,000, to be accompanied by an annual gift of powder and shot, and a formal declaration that Elizabeth would henceforth serve as the protector of James VI and Scotland.¹⁹⁰ Moray's assassination later that month precluded any response to these suggestions. The £5,000 was evidently understood as a loan made by Elizabeth to her cousin James Stewart as the earl of Moray rather than as regent of Scotland, since, following Moray's death, his widow, Annas Keith, requested that his heirs should be discharged from repaying this or any other loans, including of military equipment.¹⁹¹ On this occasion, Elizabeth 'of hir especiall grace and meir liberalatie' discharged the debt of £5,000 'and of all wtheris sowmes of money at any tyme yairtofoir borrouit frome hir grace to ye day of his departeur'. Likewise, Moray's heirs were discharged of all the promises made by their father to Elizabeth, and of either returning or making payment for military items received in May 1569.

Following Moray's assassination, James' regents no longer requested loans; Lennox, for instance, simply requested money to pay troops' wages.¹⁹² The shift may simply have been a recognition of the reality that James' regime would be unlikely to repay any loans. However, loans implied that a transaction was 'purely business', and the shift from loans to gifts was significant in two ways. First, as Goodare has noted regarding Elizabeth's decision to give James VI an annuity rather than lend him money, whilst a business transaction implies a degree of equality since a debtor might one day repay the loan, a gift signifies a relationship of dependence between donor and recipient.¹⁹³ Secondly, since gifts were tailored to the status of an individual recipient, the scale of a gift exposed the giver's understanding of a recipient's status. As we have seen with ambassadors' parting presents, proffering or accepting gifts was a significant acknowledgement by both parties of their relationship to each other. By contrast, loans, whilst dependant on notions of credit-worthiness, because they were business transactions, lacked the symbolic significance of gifts. A suitable present for the earl of Moray would differ from to that appropriate to offer to the regent Moray. Elizabeth could thus lend Moray large sums as a private individual without openly endorsing his

¹⁸⁸ Blakeway, 'Kinship and diplomacy', pp. 238–44.

¹⁸⁹ Bond by Moray for repayment, 18 Jan. 1569, TNA SP52/16 1569 f. 4r.

¹⁹⁰ A note of the principal matters in Elphinstone's commission, Jan. 1570, TNA SP52/17 f. 15r.

¹⁹¹ Memorial of the Countess of Moray, 31 Jan. 1571, TNA SP52/20 f. 20r.

¹⁹² Memorial of James Cunningham's Instructions, July 1571, TNA SP52/20 f. 238r.

¹⁹³ Julian Goodare, 'James VI's English Subsidy', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000) pp. 110–25, at p. 122.

regency.¹⁹⁴ The shift from loans to gifts, even though the gifts fell far short of the recipient's needs, may therefore reflect further developments in the relationship between the English and the King's Party.

Elizabeth's failure to pay pensions was not a coherent or principled policy. English diplomats on the ground continued to regard paying pensions to Scots of both parties as a low-cost alternative to military intervention. On 24 October 1572, for instance, Killigrew proposed that peace could be secured by relatively small scale financial incentives: £500 sterling annually each to Mar and Morton, whilst Maitland of Lethington and Kirkcaldy of Grange would instead receive £200 sterling yearly, with a further one-off payment of 1,000 crowns to Grange to offset costs he incurred during the war.¹⁹⁵ In March 1573, the earnest English envoy provided a more detailed explanation of those Scots he considered worthy of receiving pensions. Morton would receive £500 sterling annually, more than double the next largest sum of £200 sterling each for Huntly and Argyll. Despite the fact that Argyll and Huntly both received pensions of 2,000 French crowns, and French overtures had also been made towards Morton, Killigrew believed that all the Scots would accept the English money.¹⁹⁶ Argyll and Morton also sought licences to bring English horses into Scotland, since the war meant horses were scarce. Killigrew, however, considered that even if the licences were granted 'ther purses be not so free to send for geldings this yere'.¹⁹⁷ The value of the proposed pensions in such straitened circumstances speaks for itself. At the same time, Killigrew's suggestion that membership of the Order of the Garter should be offered to Morton, for 'he hath and wyll well deserve yt', was ignored.¹⁹⁸

In spring 1575, when the Marian Civil War, and with it the pressure of military expenditure, had ended, Elizabeth finally agreed to pay pensions. The decision followed several letters stressing the urgency of financial support and a list of those to be 'interteyned'.¹⁹⁹ Morton was even consulted on the matter. In a happy marriage of political expediency and familial patronage, the regent's list was headed by his nephew, Angus, whom he described as 'cheffe of the howse of dowglas, great in power and stronge on the frontiers'.²⁰⁰ Elizabeth's final decision was probably prompted by a detailed and

¹⁹⁴ Goodare, 'James VI's English Subsidy', p. 122.

¹⁹⁵ Killigrew to Burghley, 24 Oct. 1572, TNA SP52/23 f. 221v.

¹⁹⁶ Killigrew to Burghley, 14 Mar. 1573, TNA SP52/24 f. 134.

¹⁹⁷ Killigrew to Burghley, 14 Mar. 1573, TNA SP52/24 f. 134v.

¹⁹⁸ Killigrew to Burghley, 7 Apr. 1573, TNA SP52/25 f. 13v. This was part of a broader sixteenth-century pattern, only twenty-five non-English Garter Knights were appointed during the sixteenth century: E. H. Fellowes, *The Knights of the Garter 1348–1939* (London, 1939), pp. 1–84.

¹⁹⁹ 'Instructions for Killigrew into Scotland', 1573, TNA SP12/134 f. 268; Killigrew to Burghley, 7 Apr. 1573, TNA SP52/25, f. 13v. For detailed information on pensions suggested: 'The Names of Persons thought fit to be interteyned in Scotland', 1575, TNA SP52/26 f. 48.

²⁰⁰ 'Persons commended by the Regent', 1575, TNA SP52/26 f. 52.

persuasive letter from her then secretary, Francis Walsingham.²⁰¹ Ironically, no pensions were eventually distributed, since the Raid of Redeswyre severely disrupted Anglo-Scottish diplomatic relations. During an argument at a border court held at Redeswyre on 7 July 1575, an English border official, John Herron, was accidentally slain.²⁰² Elizabeth was furious and although the situation was eventually resolved, the Scots never received their pensions. Following the Redeswyre fiasco, no further movements on pensions occurred until January 1578 when Robert Bowes was given £2,000 sterling for distribution as pensions during his embassy to Scotland.²⁰³ As Morton relinquished the regency two months later, Scottish politics again moved faster than English money and no pensions were distributed. These two instances demonstrate that Elizabeth's failure to pay pensions reflected a general reluctance and the intervention of political circumstances, rather than deliberate policy. Nevertheless, her behaviour contrasted starkly with the generous pensions which the French were believed to be distributing during the same period. After James' theoretical assumption of power in March 1578 and his actual commencement of personal rule in 1584, Elizabeth's financial strategy developed a new direction towards the payment of an 'annuity' to her fellow monarch. The novelty of this single pension payment as opposed to smaller donations to nobles has rightly been emphasised.²⁰⁴ Although events intervened to prevent pensions in 1575 and 1578, it is nevertheless clear that the reluctance to hand out pensions to individual Scots pre-dated James' assumption of adult rule. By refusing to become their protector, Elizabeth could afford to keep the Scots guessing.

Conclusions

The behaviour of English and French monarchs with regard to Scots pensions was driven by expediency and specific circumstances. With the exception of Henri II's protectorate, there is little evidence that spending on pensions or payments for military ventures was a deliberately planned strategy. This responsiveness to developments, not only within Scotland but elsewhere in

²⁰¹ Walsingham to Elizabeth, 20 Mar. 1575, TNA SP52/26, f. 160. An undated document, inscribed both '1571' and 'June 1574' by later hands may in fact detail the pensions eventually decided upon in March 1575, since it is entitled 'The names of suche as are to bee intertayned in Scotland', implying that a definite decision had been made: 'The names of such as are to bee intertayned in Scotland', [March 1575?], TNA SP52/26 f. 51.

²⁰² Hewitt, *Scotland under Morton*, pp. 176–9; Anna Groundwater, *The Scottish Middle March: Power, Kinship, Allegiance* (Woodbridge, 2010), p. 160; Blakeway, 'A Scottish Anti-Catholic Satire Crossing the Border'.

²⁰³ Elizabeth to Robert Bowes, 31 Jan. 1578, BL Lansdowne MS 26 f. 6; Further details on this embassy: 'Instructions to Randolph sent into Scotland to the King and the Regent', 30 Jan 1578, TNA SP52/27 ff. 68–70.

²⁰⁴ Goodare, 'James VI's English Subsidy', pp. 112–17; For English reluctance to pay in a slightly broader chronological context: Brown, 'The Price of Friendship', pp. 154–5.

Europe, combined with opportunism in the face of changing political circumstances, drove many of the changes discernible between the three minorities. Nevertheless, some conclusions can be drawn. In the first two minorities of the century, asserting legitimacy as a ruler assumed greater importance for regents' diplomacy than it had done for monarchs. Monarchs could have their legitimacy challenged by an alternative candidate, as, for instance, with the English support for Alexander, duke of Albany, against James III in 1482, but generally speaking regents were more vulnerable to accusations of being a usurper. During Albany's regency in particular avowed concerns regarding his right to rule served as a palimpsest, temporarily obscuring English assertions of suzerainty. However, even when regents were acknowledged as legitimate, the limits of their powers could be disputed: as regent for an absentee monarch Guise's powers were restricted, and debate surrounded regents' rights to undertake offensive military action or alienate crown territories. Both Guise and Châtelherault manipulated these ambiguities to their own advantage. The same was even true of the most striking example of conflict surrounding regents' powers, namely Châtelherault's relationship with Henri II as protector. In showing that Châtelherault enjoyed some small successes in pushing against Henri's overall dominance of Scottish foreign affairs our hitherto French-dominated view of this period can be modified by the re-insertion of Scots' actions to the story. Perhaps the biggest change visible during James VI's minority was that no foreign power sought to develop a comparable relationship with Scotland to that sought by Henry VIII and actually enjoyed by Henri II. Although continued French interest in Scotland vexed English diplomats, this was not enough to encourage Elizabeth to take on the 'protection' of the Scots. Presumably the Scots envisaged a relationship comparable to that previously developed with Henri II, and Elizabeth's reluctance was probably connected to her unwillingness to commit financially to the same degree. This reluctance was doubtless due in part to the practical fact that as an infant male James VI was worth less to Elizabeth, a childless woman many years his senior, than his mother had been as a potential bride for Edward VI or the Dauphin François a generation earlier. However, it may also bespeak continued doubts surrounding the legality of James VI's rule and his mother's deposition. Although this provided a new basis on which to challenge his regents, the ways in which this played out in practice proved similar to the problems encountered by their predecessors.

Whilst foreign responses to regents were circumstance-specific, it is worth positing a tentative explanation for why regents encountered more problems in securing acceptance and asserting their power abroad than they did in exerting authority at home. Despite the importance of having someone to 'bear the monarch's person', regents could not claim parity of status with a monarch. Within Scotland, this distinction could be elided, since bearing the monarch's person was enough to ensure that regents assumed precedence over everyone else, only excepting a dowager queen. Turning abroad, however, regents were required to interact with actual monarchs. The problems

this caused can be seen in English insistence upon Mary's signature rather than Guise's in 1559, and are self-evident in the fact that diplomatic agreements continued to employ the fictional device that it was infant monarchs who were acting, albeit on the advice of their trusted regent and counsellors. This lack of parity was made painfully clear to Moray in August 1569 when he endured Elizabeth's shrill denial that 'ther were any equalitie ... betwixt us and yow'.²⁰⁵ Elizabeth's ongoing doubts about the legality of Mary's deposition doubtless rendered the rebuke particularly sharp. At home, it was sufficient for regents to occupy a liminal space between magnate and monarch, since this placed them far enough above the rest of the polity to rule. Placed in direct comparison with crowned and anointed heads from abroad, however, the difference in status was evident, even down to the style of address employed in letters. How far this distinction actually influenced foreign monarchs is impossible to say, but it forms a persuasive, albeit partial, explanation for the bullish tactics which foreign rulers directed towards regents. In this light, the restrictions placed on Moray and his successors to consult their council before taking serious diplomatic decisions take on a new aspect. Consulting the council may have restricted regents' immediate freedom of movement, but in so doing it simultaneously provided an extra layer of legitimacy when facing individuals with whom they had no 'equalitie'.

²⁰⁵ Elizabeth to Moray [draft in Cecil's hand], 12 Aug. 1569, TNA SP52/16 f. 91v.

Conclusion

*These Inconvenients make that it is hard aneuch for any man to live in security in Scotland during the minority of a prince ...*¹

Any hereditary monarchy in which the succession is strictly determined by primogeniture faces the prospect of a child as head of state. As we have seen, sixteenth-century Scots experienced royal minority to a far greater degree than any of their European counterparts. Moreover, they coped with the ensuing 'inconvenients' in a strikingly uniform way: the appointment, succession or election of an individual to become regent, an office which comprised 'bearing the person' of the monarch. Throughout this book numerous contemporary quotations refer to regents, with the exceptions of the two dowager queens, as 'princes'. In some cases, such as for Albany, Arran and Moray, this title appeared in the official parliamentary record; in other instances, it emerged in informal usage. Both are revealing: by identifying regents as 'princes' Scots acknowledged that they were set apart from the rest of the nobility by a special set of responsibilities and privileges.² Nevertheless, the title of 'prince' is largely absent from modern discussion of regents, and with it, the connotations of quasi-monarchical rule encompassing a sense of continuity in central governmental activities have been lost.

This book has advanced two main arguments. The first is to propose a new, historical, model of regency to replace previous static, legalistic, interpretations of the office. Understandings of regency developed during the sixteenth century. At the start of the century, the Scots selected their regents as they had done for centuries: either the dead monarch left a testament appointing a regent, or, when such provisions failed, by identifying and installing the infant monarch's heir apparent. The precedents for the estates' involvement comprised either in confirming or identifying the correct candidate for the regency on these terms, or, as happened in the final years of David II's minority, in the last resort choosing a regent. Mary's appointment of Moray in letters of monarchical delegation was thus a strained attempt to avert exposure of radicalism by providing a fig-leaf of precedent. By the York-Westminster conference of 1568–9, however, Moray's appointment

¹ Overture of the Castilians, 11 Apr. 1572, TNA SP52/22 f. 181v.

² For the development of the title in relation to the specific position of heir see: J. R. H. Stevenson, 'The Prince of Scotland', *SHR* 22 (1925), pp. 81–94.

required a new, more radical, explanation. Accordingly, the King's Party developed an understanding of regency as an elective office to match Buchanan's contention that the kings of Scots themselves were originally elected by the nobility. Just as Buchanan's theory of elective monarchy proved controversial and attracted limited support, similar trepidation surrounded his theory of elective regency. The radical idea that the estates and the estates only held the right to elect a head of state was neutered through an uneasy marriage with ideas of monarchical delegation. The council laid out to succeed Moray in case of his death in office in Mary's letters of abdication was transmogrified into a leet from which the estates could elect an individual regent. Therefore, when Lennox was elected in July 1570 his earlier claim to the regency on the basis of his place in the succession was forgotten. Similarly, the appointment of Mar as Lennox's successor reveals the scale of the change: Mar was the first regent not closely related to the child monarch by blood, and was the only one to combine the regency with the position of keeper of the king's person. This modification of the letters of abdication points to a larger scale rejection of the notion of a regency council. Although the requirement that regents should take counsel was increasingly prominent and formalised during the century, the governmental structure remained that of an individual ruler aided by a council. Whilst this chronological development was significant, it should not be oversimplified. The lack of a clear statute answering the question 'who should be regent?' created a space for debate, in which multiple understandings of regency co-existed and overlapped throughout the century, enabling the Scots, and interested foreign parties, to combine them to suit a range of political circumstances.

The second major argument offered by this book is that regents provided a greater degree of continuity with adult monarchical rule than has hitherto been appreciated. In preferring individual regents to councils the Scots consistently selected a form of government that would closely mimic adult monarchical rule. Such continuity should not be overstated. Income and expenditure both fell under regents, this meant scaled-back governance, fewer justice ayres, and a retrenched court. Looking beyond Scotland, minorities presented different diplomatic challenges since avowed concerns surrounding the safety of the child monarch provided foreign powers with rhetorical justifications for intervention in Scottish affairs which were totally unique to minority. Nevertheless, it is equally clear that regency did not constitute a complete break from the personal rules of the Stewarts: the treasurer's income fell at the beginning of each minority, but it rose by the time a monarch attained majority; the business undertaken by the justiciary court doggedly rose regardless of the monarch's age; regents' households may have been smaller in scale than those of monarchs, but they were nevertheless courts, both as cultural institutions, and the premier grubbing-ground for patronage in the kingdom. In short, similar patterns of activities continued throughout regencies, albeit on a variably reduced scale.

This parallel to the adult Stewarts is not, however, a completely straightforward one: in some respects, regents appear to have provided continuity with more traditional forms of governance than their erstwhile charges. Their itineraries show that, with the exception of Morton, regents' households were more widely peripatetic than those of the monarchs. This was doubtless connected to the fact that their households were smaller, and therefore more mobile, institutions, and is reflected in the fact that regents were more conscientious in personally attending justice ayres than monarchs. Although offering continuities with the ideal late fifteenth- or early sixteenth-century monarch, this more mobile form of government offered by regents also points to a greater degree of insecurity: regents had consciously to behave like 'good rulers' in order to legitimise their power, and they had to govern in person in order to ensure compliance.

More tentatively, the shift in understandings of regency was reflected in the practicalities of government. The ceremonies which appointed regents to their office subtly altered during the period: Moray took his oath as regent after he had been appointed; his successors were required to take their oaths prior to being installed in office. The courts of James VI's regents were substantially scaled-back institutions as compared with those of their predecessors and this was rooted in different spending habits. Whilst Morton used his family emblem to certify coins as valid, neither he nor any of James VI's other regents followed the precedents set by Arran and Guise in incorporating their own badges into the actual design of the coins. And, of course, James VI's regents were formally bound to consult their councils to a far greater degree than their predecessors had been. Some of these changes in practice are subtle but nonetheless they are distinct. They reflect the new notion that regents were elected officials who held office according to the pleasure of the estates, as opposed to persons whose power originated beyond the political community, either in the laws of hereditary succession, or in the personal command of the deceased monarch. However, these developments also reflect the practicalities of the circumstances in which James' regents held office. Whilst regents during the minorities of James V and Mary experienced challenges to their power as regent, no-one was able to challenge the fundamental fact that the legitimate monarch was unable to rule and that government therefore had to be provided for. During James VI's minority, by contrast, his regents faced a more fundamental challenge: namely, that James should not be king and therefore no regent was necessary. Accusations of excessive ambition could thus be levelled with particular force against James' regents – not only did they want power for themselves, but they had deposed the rightful monarch to obtain it. Perhaps a need to disprove such accusations was a contributing factor in their decision to preside over modest courts. For regents, questions of legitimacy were more than rarefied theoretical problems: rather, they influenced very practical aspects of regents' governments. If subjects failed to acknowledge regents as legitimate, they would choose not to attend their justice ayres, revealing a humiliating lack of authority, and

depriving the regime of an opportunity to make a profit from the miscreants. Likewise, refusal to acknowledge a regent as legitimate in the diplomatic sphere could, at worst, provide an excuse for open warfare (as with Henry VIII and Albany), or, less dramatically (as with French ambassadors during James VI's minority), inhibit or preclude the possibility of face-to-face negotiations. Whilst these problems potentially faced adult monarchs, the fact that multiple methods of selecting regents co-existed immediately provided multiple grounds on which to challenge an incumbent.

Beyond pointing to theoretical developments in how the office of regency was understood, and identifying substantial changes to practical aspects of government (lower income, lower expenditure, smaller but more peripatetic households, fewer justice ayres), drawing generalisations about regency is a difficult task. This is for the simple reason that, like early modern monarchy, regency was a personal institution: as Guise's reorganisation of the financial administration to reflect her needs shows, early modern political systems adapted to suit the people who inhabited them. Whilst the primary concern of this book has therefore been to investigate the nature of regency as an office and explore the practicalities of regency as a form of government, it has also offered reassessments of individual regents. Guise, Lennox and Moray have all been the subject of detailed individual studies in recent years.³ In each case, although important criticisms can be offered of the regent's efficacy as a ruler, the picture that emerges is of active attempts to fulfil the rudiments of good governance – even if, as in Lennox's case, the regent's vision of good governance (largely entailing complete, bloody and uncompromising revenge for Darnley's murder) stood at odds with that of other members of the polity. With the exception of some cautiously critical reassessment of Guise, broadly speaking, the findings of these studies are endorsed by this research, and the regents who have not been so recently attended to emerge as more conscientious, active, and even effective, than they have hitherto been perceived. Albany's fiscal efficacy, for instance, appears in a more positive light. Whilst his presence in Scotland clearly caused household costs to increase drastically, these remained far lower than the sums spent on either James IV's or on James V's adult establishments. Mirroring the increase in cases at the session when Albany was present in Scotland, income started to rise during his visits: had he stayed longer, perhaps it would have continued to increase to a more sustainable level.

By far the most substantial reassessment offered here is that of Arran, traditionally derided as weak, vacillating and ineffective. Considering the sources produced by his regime, rather than relying on partisan narrative

³ Pamela Ritchie, *Mary of Guise in Scotland 1548–1560: a Political Career* (East Linton, 2002); Sarah Macauley, 'Matthew Stewart, Fourth Earl of Lennox and the Politics of Britain, c.1543–1571' (Ph.D. thesis, University of Cambridge, 2006); Claire Webb, 'The "Gude Regent"? a Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots and the Scottish Regency 1567–1570' (Ph.D. thesis, University of St Andrews, 2008).

accounts, most of which were penned many years after the events on which they purported to comment, presents a substantially different picture. Although Arran relied heavily on the royal funds to support his household, he and his kin donated £4,400 to the treasurer during the Rough Wooings, and the treasurer's overall deficit was related to military expenditure incurred during this period. His attendance on justice ayres both helped to address the crown's financial problems and demonstrates that Arran was an active governor. He exhibited a degree of skill in effecting solutions to difficult diplomatic conundrums – his successful deception of the English in 1543 regarding an interest in 'reform' is a case in point. Under his aegis, the debatable lands between England and Scotland were peacefully settled, whilst Orkney was retained. A close examination of the scramble to justify Mary's early assumption of her majority and Guise's appointment as regent reveals that Châtelherault was not without some support in the last months of his regency. Finally, the detailed records left by his treasurer provide the best evidence for the continuation of court life during a regency, more specifically, they reveal an appreciation of, and willingness to exploit, court ceremonial. This was reflected in the assessment made by the anonymous author of the, admittedly pro-Hamilton, *Historie of King James the Sext*, that Arran was 'a prince sa deboner as any uther in all respectis, well beloued of all the people of Scotland, and namely of the pure. He hade great respect to his friends and kinsfolk, quhairby he purchest their fauor in the hiechest forme.'⁴

Nevertheless, all the best stories start with a grain of truth, and a fire is usually required to make smoke. It is likely that Arran was perceived as taking advice from too narrow a range of counsellors – the attempted Guise coup in 1544, and periodic injunctions that he should be assisted by a 'daily council' point to a level of dissatisfaction in this area. It is also clear that he spent the crown's money freely – but this should be contextualised in the broader context of the Scottish nobility's happy ability to marry a highly developed rhetoric of 'service' with a healthy appetite for personal gain.⁵ Unsurprisingly, beneficiaries of Arran's patronage, such as Huntly, had no complaints regarding his expenditure habits. Arran's political life remains in need of further attention. A study of his post-regency activities, including, for instance, his unwavering loyalty to Mary's cause following her deposition, may even challenge his reputation for inconstancy or vacillation.⁶ In any event, it is clear that whilst his regency aroused a degree of resentment, he enjoyed greater success as governor than has been previously appreciated.

⁴ Malcolm Laing (ed.), *The Historie and Life of King James the Sext* (Edinburgh, 1804), pp. 243–4.

⁵ Jenny Wormald, 'Taming the Magnates?', in K. J. Stringer (ed.), *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), pp. 278–9; Julian Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), pp. 52–4.

⁶ For commentary on the fact that, unlike many of the Queen's Party, Châtelherault consistently refused to acknowledge James VI see: 'The Positions of the Scottish Lords', Apr. 1572, TNA SP52/22 f. 196.

By contrast, Morton's rapacious reputation has been confirmed: long acknowledged as guilty of embezzling the profits of the mint, it also seems likely that he pocketed remissions granted on justice ayres and the surplus raised by the collectors of the thirds in 1573. There is no record of how Morton spent this money – presumably much of it was accounted for by a combination of rewarding his friends and kin, and his famous building works, for instance, at Dalkeith. The comparison with Arran in this area is striking: Morton felt the need to embezzle the crown to receive funds for activities which Arran simply charged directly to the treasurer. Rather than simply arising from a difference in personality, it is likely that this too points to the changing understanding of regency and associated developments in what constituted acceptable behaviour for a regent.

This relationship between regents and crown property has already been examined in the context of the oaths which regents took upon their entry to the office, and monarchical acts of revocation. However, it was also a critical concern when regents left office. Following Margaret's remarriage, for instance, the council explicitly denied her right to intromit with crown property.⁷ Albany's discharge was left vague, with parliament simply noting they had decided 'for mony and diverse considerations moving thame and for the commone wele of the ralme, that Johnni, duke of Albany, sum tyme tutor to oure soverane lord and governor of his ralme, has tynt his office of tutorie and governance, and salbe secludit and dischargeit and presentlie secludis and dischargis him for evir tharefra'.⁸ Presumably, since he was abroad, a specific injunction against his access to crown property was deemed unnecessary. More usually, outgoing regents could expect a discharge which ratified their use of crown property as acceptable, and thus served to protect the regents and their heirs from prosecution. Châtelherault's discharge, for instance, explained that in addition to having spent the crown's revenue, the duke 'alsua hes spendit and warit all his hale propire patrimony, substance and renttis during the said space in defence foirsaid for preservatioun of oure saidis realm, dominionis, subjectis and liegis thairof fra uter exterminion, to oure publict weill utilitie and proffitt'.⁹ Morton's discharge echoed these sentiments (with the exception of the claim that he had spent his own money in the king's service).¹⁰ Nevertheless, according to Moysie, Morton felt his initial discharge inadequate as it was 'sumqhat sclender for his releife, be ressonne of the Kingis minoretie', he therefore 'willed the same to be ratified be his Majestie in the nixt parliament that sould happin to be haldin, as also at his perfyte age of tuentie ane yeiris'.¹¹

⁷ Acta Dominorum Concilii, 1513–14, NRS CS5/26 f. 168.

⁸ RPS, A1524/8/2. Date accessed: 29 May 2014.

⁹ RPS, A1554/4/1. Date accessed: 28 September 2013.

¹⁰ RPS, A1578/3/4. Date accessed: 28 September 2013.

¹¹ David Moysie, *Memoirs of the Affairs of Scotland 1577–1603* (Edinburgh, 1830), p. 34.

CONCLUSION

Beyond providing legal indemnification, however, discharges provided a place to praise an outgoing regent's good and loyal service; when Guise was recalled to France to recover from what would prove to be her last illness, her service, especially in the face of the Reformation rebellion, was praised fulsomely.¹² In 1579, despite an acknowledgement that many of James' subjects disliked him, Morton's 'gude & faythfull seruice' was nonetheless set on record.¹³ Mar received posthumous praise in a similar vein for his 'prudent administratioun of ye said office ... and ye faithfull & stoute defending of his Maiesties auctoritie'.¹⁴ Like Morton and Mar, Châtelherault's 'trew and faithfull service' included an active defence role during which he 'endangerit his awin body with all his confideratis, assistaris, aydaris, kyn and frendis werray oft and dyverse tymes'.¹⁵ Of course, just as the criticism of regents should not be fully accepted, nor should these political set pieces be read at face value. However, examining the records produced by the regency regimes themselves suggests that this praise should not be dismissed automatically as mere fawning flattery. Although regency doubtless entailed 'inconvenients', these were far less numerous, and approached with substantially greater skill, than has hitherto been appreciated. Far from being an aberration, regency was an inevitable, essential, evolving and, by and large, effective facet of political life in the hereditary monarchy of Stewart Scotland.

¹² Pouvoir de Viceroy et Lieutenant General en Escosse a Monsier le Marquis d'Elbeufe, [1554], NLS MS 35.1.5 f. 248r.

¹³ RPS, A1578/3/4. Date accessed: 28 September 2013.

¹⁴ The discharge of James erle off Mortoun lord Dalkeyth of the administration of his regiment, castell of Edinburgh, Mwintioun, Jowellis and utheris being thairin, 12 Mar. 1578, NLS MS 77 f. 34. A second copy: NRSA 217, Box 15 Bundle 3 Doc.420 f. 1r. Discharge of Mar's regiment, NRSA 217, Box 15 Bundle 3 Doc. 420, f. 2.

¹⁵ RPS, A1554/4/1. Date accessed: 29 May 2014.

Appendix 1: The Treasurer's Accounts

Whilst the treasurer's accounts contain a wealth of information, they are not structured in such a way as to allow an easy assessment of the treasurer's income and expenditure. As outlined in chapter three, a number of variations amongst accounts need to be addressed to facilitate comparisons over time. The use of the 'charge' and 'discharge' system means that the accounts' final totals do not reflect income and expenditure; accordingly, unpaid income has been consistently removed from both sides of the account. The ways in which superexpenditure, or rolled-over deficit, was dealt with varied considerably, accordingly, this has likewise been removed. Finally, accounts were not rendered covering a consistent financial year of twelve months. Therefore, comparable annual income and expenditure totals need to be extracted from accounts covering periods ranging from two to thirty-six months.

Ideally, it would be possible to calculate annual totals running, say, from January to December.¹ From 11 January 1565 to 1 January 1581, the entire treasurer's accounts are extant. For this period, therefore, annual income and expenditure totals running from 1 January to 31 December can be calculated. When an account covers multiple years, or data for a particular year has come from two accounts, items of expenditure have been assigned to their year of purchase and any items which appertain to a whole account, such as fees due to accountants, proportionately divided. Calculating income is trickier since the dates of individual payments received were rarely given, but a similar method can be used. First, payments associated with a particular year were assigned appropriately – income from justice ayres and the profits of the coinage most commonly fall into this category. The large quantity of dateless payments can then be apportioned on an average basis. Some annual totals have been constructed from using multiple accounts. In this case a monthly average has been calculated for each year used and these have been combined proportionately to produce an overall total. For instance, ten months of a year were covered by one account and the remaining two by another, the monthly average of the first account has been multiplied by ten and the monthly average of the second account by two and these totals added together.

¹ This is the approach offered for the later, better documented period: Julian Goodare, 'The Debts of James VI of Scotland', *Economic History Review* 62 (2009), pp. 926–52.

APPENDIX 1: THE TREASURER'S ACCOUNTS

Prior to 1565 substantial gaps in the accounts make this unfeasible. Accordingly, annual totals have been obtained in a variety of ways designed to make the most of the extant records. These are outlined in the table below. Whilst each figure below covers a period of twelve months, due to the greater quantity of gaps in the accounts for the pre-1565 period, it was not feasible to construct a consistent January–December year. If an account covered twelve months, such as from September 1539 to September 1540, the totals (with unpaid income removed) have simply been apportioned to the year in which the account was rendered, in this case, to 1540.² The table below shows the accounts and calculations used to create each annual total.

Table 12: Sources for Figure 1

All archival references are to documents housed in the National Records of Scotland, Edinburgh.

Year	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1513	(E21/12÷11.3)*12		
1514			
1515	(E21/13÷7)*12		
1516	E21/14+E21.15		
1517	(E21/16÷8)*12		
1518	E21/17		
1519			
1520			
1521			
1522			
1523			
1524	(E21/18÷22)*12		
1525			
1526	E21/19+E21.20		
1527	(E21/22÷317)*365		
1528			
1529			
1530	E21/23	E 21/23: 1 Sep. 1529–1 Sep. 1530	
1531	E21/24, E21/25	E21/24 2 Oct. 1530–6 Sep. 1530; E21/25 6–30 Sep.	
1532	E21/25, E21/26	E21/25 1 Oct. 1531–22 Aug. 1532; E21/26 23 Aug. 1532–30 Sep. 1532	

² Treasurer's Account, 1539–40, NRS E21/37.

REGENCY IN SIXTEENTH-CENTURY SCOTLAND

Table 12: (Continued)

Year	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1533	E21/26, E21/28	E21/26 1 Oct.–26 Sep. 1533; E21/28 27–30 Sep. 1533.	
1534	E21/28	E21/28, 1 Oct.–2 Oct. 1534	
1535			
1536	E21/29 + E21/30	E21/29 1 Sep. 1535–10 Feb. 1536; E21/30, 10 Feb. 1536–30 Aug. 1536	
1537	E21/31, E21/32	E 21/31 minus September 1536 expenditure; E21/32	
1538	E21/34*2		
1539	E21/36		
1540	E21/37		
1541	E21/38		
1542	E21/39		
1543			
1544	E21/41	E21/41, 1 Sep. 1543–31 Aug. 1544	
1545	E21/41	1 Sep.–31 Aug.; E21/41 fee total÷3	
1546	E21/41	E21/41 1 Sep. 45–31 Aug. 46	
1547	E21/42	Sept 1546 from E21/41; E21/42 Oct. 46–Sep. 47	
1548	E21/42	E21/42, Sep. 47–Sep. 48	
1549	E21/42	E21/42, Sep. 48–Sep. 49	
1550	E21/42	E21/42, Sep. 49–Sep. 50	
1551			
1552	E21/44	E21/44, 1 Oct. 1551–30 Sep. 1552, fees	
1553	E21/45	E21/44, 1 Oct.–30 Nov. 1552; E21/45 Dec.–30 Sep. 1553.	
1554	E21/46	E21/46 X 2	
1555	E21/47		
1556			

APPENDIX 1: THE TREASURER'S ACCOUNTS

Table 12: (Continued)

Year	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1557			
1558	E21/51	E21/51 Jan.–Dec.	
1559			
1560	E21/52	E21/52, 1 Jan.–31 Dec. 1560	
1561	E21/52,E21/53	E21/52, 1 Jan.–5 Mar.; E21/53 5 Mar.–31 Dec.	
1562	E21/53, E21/54	E21/53 1 Jan.–25 Feb.; E21/54, 26 Feb.–31 Dec.	
1563			
1564			
1565	E21/55	E21/55 Jan.–30 Dec.	
1566	E21/55, E21/56		
1567	E21/56, justice from E21/58	E21/56 Jan.–June + E21/57 Jul.–Dec. and fees (1 term)	
1568	E21/57, E21/58	E21/57 Jan.–14 Feb.; E21/58 14 Feb.–31 Dec. and fees	
1569	E21/58	E58, fees; E21/59 miscellaneous from the end of the account	
1570	E21/59	E21/58 Jan.; E21/59 Jan.–Dec.	E21/59 theoretically covers Jan 1570–June 1571; in practice, it contains much expenditure from outwith this period
1571	E21/59; E21/102 July–Dec.	E21/59 Jan.–June; half fees; debts to merchants – borrowed (thus spent) Nov. 1571 unclear when repaid; E21/102 July–Dec. and fees	

Table 12: (Continued)

Year	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1572	E21/102 Jan–Dec PLUS coinage from E21/59	E21/102 Jan.–Dec.; plus miscellaneous defence payments and fees and Mar's discharge of the coinage from E21/59	
1573	E21/102 Jan.–Dec.	E21/102 Jan.–Dec.; Morton's coinage discharge in E21/59	
1574	E21/102 Jan.–May; E22/1 June–Dec.	E21/102 Jan.–May; E22/1 June–Dec.; miscellaneous expenditure from E21/59	
1575	E22/1		
1576	E22/1, E22/2	E22/1 Jan.–30 Apr.;	
1577	E22/2	E22/2 1 May–31 Dec.	
1578	E22/2	1576	
1579	E22/3		
1580	E22/3, E22/4	E22/3 Jan.–Mar.;	
		E22/4 Mar.–Dec.	

Appendix 2: The Comptroller's Accounts

Background to Figure 2: Income from the Baillies and Customars

The accounts of the baillies and customars provide information regarding the comptroller's income which can help to fill gaps in the comptroller's own records. Every item of income the comptroller received was, of course, a payment from someone else. Each transaction therefore appeared in two sets of accounts: those of a local official as an item of expenditure, and, those of the central official as an item of income. Indeed, since the baillies ad extra and the customars were usually particularly significant income streams for the comptroller, the information provided by their accounts can give a good broad indication of his overall income.

The information provided by the accounts of the baillies and customars nevertheless comes with significant caveats. Local officials such as these often failed to attend the exchequer for multiple years at a time. As such, when they did attend the exchequer, paperwork relating to transactions stretching back over several years would all be entered into the rolls at the same point. However, although officials might not have attended the exchequer in a given year, they often ensured that the comptroller nevertheless received the money he was owed. These sums were duly recorded in the comptroller's accounts, but the local official might not come to the exchequer to make an account of his expenditure. The practice of making a payment in one year but only accounting for it several years later is also clearly illustrated on occasions when the comptroller changed part way through the year. Since local officials had paid monies owing to two different people, two payments were recorded.¹

¹ For instance, for the financial period 1528–9 the outgoing comptroller James Colville and his successor Robert Barton (who was returning for his second stint as Comptroller) are both recorded as receiving payments: Bailies ad Extras' Accounts, 1528–9, NRS E38/383; Bailies of Burghs' and Customars' Accounts, 1528–9, NRS E38/384. Similar examples indicate this practice persisted throughout the century. For instance: Bailies ad Extras' and Customars' Accounts, 1531, NRS E38/390; Customars' Accounts, 1544, NRS E38/425; Bailies of Burghs' Accounts, 1555, NRS E38/445; Customars' and Bailies ad Extra's Accounts, 1555, NRS E38/443; Bailies ad Extra Accounts, 1566, NRS E38/467; Customars' Accounts, 1582, NRS E38/501.

This gap between transaction and record is problematic since it is not always possible to distinguish when particular sums were paid. The figures for income from the customars and baillies in Figure 2 therefore shows the year in which money was recorded in the exchequer. Whilst this can reveal broad trends for a period when little other record of crown income survives, these figures are far from definitive. When comptrollers' accounts survive the totals these provide have been preferred, since this record was usually closer to the transaction it recorded than those of the local officials.

Background to Figures 2 and 3: the Comptroller

The totals drawn from the accounts of the bailies and customars displayed in Figure 2 were simply assigned to the year in which the account was rendered and were not used as the basis for calculations. As such, these have not been tabulated separately.² The table below shows how the figures for the comptroller's overall income and expenditure displayed in Figures 2 and 3 were calculated. Like those of the treasurer, the comptrollers' accounts do not always cover a period of twelve months exactly and there are substantial gaps in the series, particularly from 1542 onwards. Therefore, it is necessary to render the extant accounts comparable. As with the treasurer, reconstructing a hypothetical financial year running from a given month to a given month would require an excessive reliance upon conjectured averages to fill in the gaps. In view of this, when an account covers a period of a year, or within seven days either side of a whole year, the figures it contains have been included without alteration.

Approximate annual charge and discharge totals from an account covering an incomplete year were thus calculated by obtaining a monthly average and from this an equivalent annual average. However, it should be recognised that these figures are only approximate and indicative. A note of particular caution should be sounded regarding the fact that a portion of the comptroller's charge comprised income drawn from royal lands and a portion of his discharge included annual fees. Such sums were usually paid on a termly basis at Whitsunday (26 May) and Martinmas (11 November). Where there is evidence that a portion of an account was organised on a termly basis, this is reflected in the sums used to create an equivalent annual figure.

For years when the comptroller's own accounts are extant, Figure 2 also shows the value of the income received in kind. Whilst these values are only approximate, they nonetheless serve to reinforce overall trends. Substantial variations in the price of agricultural goods during a given year can be observed throughout the century. Here, approximate values have been calculated using average annual prices, or, if these were not available, a price from

² Baillies' and Customars' Accounts, 1513–1584, NRS E38/348–E38/504.

a year in close proximity has been used.³ However, price data for some commodities, notably wild boars and rabbits, is elusive and such items have been excluded from these calculations; these figures thus probably underestimate the value of the crown's unsold produce. In all calculations appertaining to victuals, the long hundred has been assumed (i.e.: the Roman numeral 'c' has been assumed to signify 120, rather than 100).⁴

Table 13: The comptroller's accounts (sources for Figures 2 and 3)

All archival references are to documents housed in the National Records of Scotland, Edinburgh.

Year	Period covered by source account(s)	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1513				
1514				
1515	1 Jul. 1515–1 Nov. 1515	E38/353*3		
1516	1 Mar. 1516–31 Aug. 1516	E38/356*2		
1517	12 Oct. 1516–3 Sep. 1517	(E38/359÷317)*356		
1518	3 Sep. 1517–25 Aug. 1518	(E38/362÷345)*356		
1519	27 Aug. 1518–31 May 1522 (three years and one term)	(E38/367÷7)*2	(E38/367÷1336)*356 EXCLUDING Albany's 1522 visit expenses.	
1520	27 Aug. 1518–31 May 1522 (three years and one term)	((E38/367÷7)*2	(E38/367÷1336)*356 EXCLUDING Albany's 1522 visit expenses.	
1521	27 Aug. 1518–31 May 1522 (three years and one term)	(E38/367÷7)*2	(E38/367÷1336)*356 EXCLUDING Albany's 1522 visit expenses.	

³ Annual prices have been sourced from three places: Amy Blakeway, 'The Sixteenth-Century Price Rise: New Evidence from Scotland, 1500–85', *Economic History Review* 67 (forthcoming, 2015); Elizabeth Gemmill and Nicholas Mayhew, *Changing Values in Medieval Scotland: A Study of Prices, Money, and Weights and Measures* (Cambridge, 1995); A. J. S. Gibson and T. C. Smout, *Prices, Food and Wages in Scotland, 1550–1780* (Cambridge, 1995).

⁴ For more information on the long hundred: Julian Goodare, 'The Long Hundred in Medieval and Early Modern Scotland', *Proceedings of the Society of Antiquaries for Scotland* 123 (1993), pp. 395–418.

Table 13: (Continued)

Year	Period covered by source account(s)	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1522	27 Aug. 1518–31 May 1522 (three years and one term)	(E38/367÷7)*2	(E38.367÷1336)*356 PLUS Albany's 1522 visit expenses.	
1523				
1524	12 Mar. 1523–12 Apr. 1524	(E38/370÷13)*12		
1525	12 Apr. 1524–17 Aug. 1525	(E38/373÷483)*356		
1526	17 Aug. 1525–1 Aug. 1526	(E38/376÷339)*356		
1527	1 Aug. 1526–19 Aug. 1527	(E38/379÷337)*356		
1528	20 Aug. 1527–20 Aug. 1528	E38/382		
1529	20 Aug. 1528–15 Aug. 1529	E38/385 + E38/386		Two accounts rendered due to change of comptroller.
1530				
1531	29 Aug. 1530–1 Sep. 1531	E38/391 + E38/391A		Two accounts rendered due to change of comptroller.
1532	1 Sep. 1531–16 Aug. 1532	(E38/393÷341)*356		
1533	16 Aug. 1532–1 Oct. 1533	(E38/397÷401)*356		
1534	1 Oct. 1533–1 Oct. 1534	E38/399		
1535	1 Oct. 1534–3 Sep. 1535	E38/402		
1536	25 Aug. 1535–9 Sep. 1535	(E38/405÷371)*356		
1537				
1538	18 Sep. 1537–24 Sep. 1538	E38/410		
1539				
1540	8 Sep. 1539–6 Sep. 1540	E38/413		
1541				
1542				
1543	30 Mar.–11 Aug. 1543	(E38/422÷144)*356		

APPENDIX 2: COMPTROLLER'S ACCOUNTS

Table 13: (Continued)

Year	Period covered by source account(s)	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1544				
1545				
1546				
1547				
1548				
1549	1 Sep. 1546.–23 Aug. 1550	E38/433÷4		Damaged; the discharge section is incomplete and income from the sale of goods is missing.
1550				
1551				
1552				
1553				
1554				
1555	1 May–1 Oct. 1555	(E38/444÷5)*12		Damaged; information regarding the sale of goods is lacking.
1556				
1557				
1558	<i>E38/453 covers 1558 but is too heavily damaged to extract meaningful figures</i>			
1559				
1560	1 Nov. 1559–1 Nov. 1560	E24/3		
1561				
1562				
1563	31 Oct. 1562–1 Nov. 1563	E38/471		
1564				
1565				
1566	31 Oct. 1565–1 Nov. 1566	E24/4		
1567	1 Nov. 1566–1 Nov. 1567	E24/5		
1568	1 Nov. 1567–1 Nov. 1569	E24/6÷2		
1569	1 Nov. 1567–1 Nov. 1569	E24/6÷2		
1570				

REGENCY IN SIXTEENTH-CENTURY SCOTLAND

Year	Period covered by source account(s)	Income – Source and Calculation	Expenditure – Source and Calculation (if different)	Other Information
1571				
1572				
1573	30 Oct. 1572–30 Oct. 1573	E24/7		
1574	1 Nov. 1573–1 Nov. 1574	E24/8		
1575				
1576				
1577				
1578				
1579	1 Nov. 1578–1 Nov. 1579	E24/9		
1580	1 Nov. 1579–1 Nov. 1580	E24/10		

Appendix 3: The Collectors of the Thirds' Accounts

The accounts of the collectors of the thirds are by far the most consistently organised amongst those considered in this book. With one exception, all the accounts rendered in this period covered an accounting year comprising the two terms of Whitsunday and Martinmas. As such, calculations to render the accounts comparable were fortunately unnecessary. The table below details the sources of the data shown in Figure 4; references are either to Donaldson's edition or alternatively unpublished manuscripts held in Edinburgh, in the National Records of Scotland.¹ The same caveats appertaining to the approximate values given for the comptroller's income in kind apply to the collector, indeed, since the collector received a greater quantity of unusual produce the price of which is difficult to ascertain, these values are still more tentative.

Table 14: Sources for Figure 4

Year	Source	Other details
1561	Donaldson, <i>Collectors of Thirds</i> .	
1562	Donaldson, <i>Collectors of Thirds</i> .	
1563	Donaldson, <i>Collectors of Thirds</i> .	Account mutilated
1564	Donaldson, <i>Collectors of Thirds</i> .	Account mutilated
1565	Donaldson, <i>Collectors of Thirds</i> .	
1566	Donaldson, <i>Collectors of Thirds</i> .	
1567	Donaldson, <i>Collectors of Thirds</i> .	
1568	Donaldson, <i>Collectors of Thirds</i> .	This account covered both terms of 1567 and a term of 1568 but expenditure only comprised discharging income which had not been received and reimbursing superexpenditure to wind up the office.
1569		Office in abeyance
1570		Office in abeyance
1571		Office in abeyance

¹ Gordon Donaldson, *Accounts of the Collectors of Thirds of Benefices, 1561–1572* (Edinburgh, 1949).

Table 14: (Continued)

Year	Source	Other details
1572		Office in abeyance
1573	NRS E45/8	
1574	NRS E45/9	
1575	not extant	
1576	NRS E45/10	
1577	NRS E45/11	
1578	NRS E45/12	
1579	NRS E45/13	
1580	NRS E45/14	
1581	NRS E45/15	

Appendix 4: Justice Ayres in Sixteenth-Century Scotland

Extant Ayre Records

Since so few judicial records produced by sixteenth-century ayres remain extant they can be briefly surveyed here. The most detailed record relating to the sixteenth-century ayres is a court book for ayres held on the northern and western circuits, alongside that of Edinburgh, for the period from November 1524 to May 1531, which partially compensates for a gap in the treasurer's accounts for James V's early personal rule.¹ Whilst provincial ayres sat for relatively brief, clearly defined periods of time, by contrast, the Edinburgh ayre sat sporadically on isolated days throughout the year, June was the only month in 1529 when it did not sit at all. This pattern probably developed to enable personnel of the justiciary court to clear the Edinburgh ayre's business on a regular basis and to keep it manageable, but this was only possible since the justiciary court sat in the home town of this particular ayre. A few further extant sources produced by the ayres themselves date from the 1570s, including approximately half the court book of the Haddington ayre which sat from 21 December 1573 until 21 January 1574.² The pledge book of the Aberdeen ayre of 7 August to 5 September 1574 also survives, recording pledges entered for reappearance in court or cases repledged elsewhere.³ In addition, one register of compositions (fines) is extant, covering the Aberdeen ayre of 1574, the ayres held in Edinburgh in February 1576, Roxburgh in November 1576, Selkirk in December 1576 and Roxburgh in February 1577.⁴

¹ Justiciary Court book, 1524–31, NRS JC1/3.

² Justiciary Court book, 1573–5, NRS JC1/14. Some aspects of this record appear unusual, although in the absence of comparable court books their significance remains unclear. After summonses to court were issued on 21 December, business commenced on 2 January, described as the twelfth day of the court. However, 14 January was described as the fourth day of the court, a numbering system which continued until 22 January, the eleventh and final day of the court. There is no indication that a new court was summoned on 14 January, nor that the cases held in this second period were of a different nature to those in the first, and remissions were granted throughout.

³ Acts of Caution, Aberdeen ayre, 1574, NRS JC1/15.

⁴ TA, XIII, pp. 318–84.

Table 9: Summary of Justice Ayres in Scotland, 1488–1578

Scotland was geographically sub-divided for the purposes of administering justice in a variety of ways during the sixteenth century. Unfortunately, few of these divisions are clearly explained. A clear example of this sub-division took place in May 1517, when cases brought before the session in Edinburgh were ordered to appear in regional groups, ‘for eise of our sourane lordis leigis sparing of greit expensis yt ar maid be personis abiding lang apon calling of ye summonds in ye cession and avoding of confusion groving throw multude of pepill’.⁵ The first of these hearings, to be held over a month from 22 June to 22 July included the sherifffdoms of Berwick, Roxburgh, Selkirk, Haddington, Peebles, Edinburgh and Linlithgow. The second, from 23 July to 1 August, encompassed the stewartry of Kirkcudbright, Dumfries, Wigtown, Ayr, Renfrew, Stirling and Lanark. From 1 to 22 August cases from Dumbarton, Bute, Argyle, Perth, Clackmannan, Kinross and Fife would be heard, and finally, from 30 September to 20 October the lieges of Forfar, Kincardine, Aberdeen, Banff, Elgin and Forres, Nairn and Inverness could obtain justice. This geographical separation of ‘diets’ provides the basis for the grouping of ayres discussed in chapter five.

Background to Table 15

The list of ayres in the following table is primarily based on the treasurer’s accounts. When records produced by the ayres are extant, these have taken precedence over the financial records. Other sources, such as the council register and the royal household books, also record ayres. However, the treasurer’s accounts provide a more consistent source of information regarding ayres than other types of records: ayres usually raised profits, and they invariably cost money. For periods when there is a gap in the treasurer’s accounts, the register of the privy seal has been consulted for evidence of remissions or respites for crimes being granted.⁶ Since remissions and respites could also be granted for cases heard in the justiciary court, these have only been counted as evidence of an ayre when several respites were granted at a location other than Edinburgh. As the remissions and respites were purchased and thus constituted a method of raising income, for periods when the treasurer’s accounts are extant, the register of the privy seal was not consulted since it contains duplicate information with the treasurer’s accounts.

⁵ Proclamation in the name of the lord regents for the ordering of the Session, 20 June 1517, NRS CS5/30 f. 29.

⁶ Briefly, gaps in the treasurer’s accounts affect much of James V’s minority with records extant only for 1513, 1516, 1518, 1523 and 1524; the early majority of James V; Marie de Guise’s regency, the middle years of Mary’s personal rule and the final three years of Morton’s regency.

The ruler's location at the time of an ayre can be ascertained with varying levels of security. For Arran and James V, their household accounts largely provide clear evidence of their location. For the other rulers, the information collected for their itineraries, as shown in chapter four, clarified this position. For James IV and Mary, grants issued under the privy seal provided the basis for this evidence. Towards the end of James IV's reign, grants under the seals were issued concurrently in the location of the ayre and in Edinburgh or Stirling, for instance, during the western circuit held in November 1511.⁷ In such instances the ruler's location can be revealed by whether the information passing the seals was 'subscripta per regem' or simply 'per signetum': signed by the king or simply sealed with the privy seal. Similarly, if remissions granted on ayre were granted 'Gratis per dominum' the initially contradictory evidence surrounding location can be clarified, since this indicates the remission was granted by the lords compositors not the crown. It should be noted that evidence for ayres during James IV's reign is based on printed sources to a greater degree than subsequent rules, since this period lies outside the main focus of this study, and Macdougall's biography of James IV provides substantial detail on the subject of his ayre attendance.

It should also be noted that identifying the physical location of an ayre is not necessarily a straightforward guide to the full area from which it heard cases. By the late sixteenth century, ayres would go to 'the head burgh of the Schire' in order to hear cases brought by residents of a wide surrounding area.⁸ Thus, for instance, in March 1568, Moray attended the justice ayre of Dumbarton held in a court that was physically located in the Glasgow Tolbooth.⁹ If we only had evidence for the physical location of this ayre, the fact that cases from Dumbarton were heard would be obscured. Whilst this list of ayres has probably identified most, if not all, of these judicial excursions, it is to be expected (and, indeed, hoped) that further research will bring further detail and clarity.

The abbreviations employed in Table 15 are the same as those listed in the List of Abbreviations, with the following two additions:

Macdougall	Norman Macdougall, <i>James IV</i> (Edinburgh, 1989)
Pitcairn	Robert Pitcairn (ed.), <i>Ancient Criminal Trials in Scotland</i> (Edinburgh, 1833), 3 vols

All manuscripts are held in the National Records of Scotland, these include the manuscript treasurer's accounts (E21), a court book (JC1/3), the council register (CS5) and household accounts (E31 and E32).

⁷ RSS, I, pp. 353–4.

⁸ John Skene, *De Verborum Significatione* (Edinburgh, 1597), sig. Nv.

⁹ RPC, I, p. 614.

Table 15: Detailed list of justice ayres in Scotland, 1488–1578

Date	Location	Source	Ruler present	Source
James IV				
Aug. 1488	Lanark	TA, I, p. 93	yes	Macdougall, p. 57
Feb.–Mar. 1489	home and west circuits	TA, I, pp. 104–6	yes	Macdougall, p. 57
Dec. 1490	Peebles, Lochmaben	TA, I p. 171	yes	Macdougall, p. 84–5
Sept – Dec. 1492	Perth, Aberdeen	RSS, I pp. 2–3	yes	RSS, I, pp. 2–3
Nov. 1493	Lauder, Jedburgh	Pitcairn, I, pp. 16–17	half	Macdougall, p. 103
Oct.–Nov. 1494	Inverness, Elgin, Banff, Aberdeen	TA, I, pp. 212–13	yes	Macdougall, p. 104
2 Feb. 1495	Edinburgh	TA, I, p. 213		
Feb.–Mar. 1495	Jedburgh, Liddesdale, Selkirk, Peebles	TA, I, p. 214, Pitcairn, I, pp. 19–25	unlikely	
Mar.–Apr. 1495	Lanark, Dumfries, Ayre, Kirkcudbright	TA, I, p. 214	yes	RSS, I, p. 8
Jan. 1498	Inverness	TA, I, pp. 315–18	yes	Macdougall, p. 180
Feb. 1498	Couper and Stirling	TA, I, p. 318.	possible	RSS, I, p. 20–1
June 1498	Edinburgh	TA, I, p. 318.		
Nov. 1498	Peebles	Pitcairn, I, p. 26	yes	RMS, II, p. 525
Spring 1499	Ayre	Macdougall, p. 154	yes	RSS, I, pp. 46–7
Mar. 1500	Jedburgh, Selkirk, Dumfries	TA, II, p. 3–4	yes	RSS, I, p. 71
autumn 1500	Ayre, Lanark, Renfrew	TA, II, p. 4	yes	RSS, I, pp. 82–3
Jan.–Feb. 1501	Dumbarton, Stirling, Perth	TA, II, pp. 4–5	possible	RSS, I, p. 91
29 Apr. 1501	Edinburgh	TA, II, p. 5		
15 May 1501	Perth	TA, II, p. 5	yes	RMS, II, p. 549
Nov.–Dec. 1501	Inverness, Elgin, Forbes, Banff, Aberdeen	TA, II, pp. 5–6	yes	RSS, I, pp. 108–10
Feb. 1501/2	Couper, Dundee	TA, II, p. 6	yes	RSS, I, p. 113
Feb. 1502	Edinburgh	Pitcairn, I p. 26		
Oct.–Nov. 1502	Jedburgh, Selkirk, Peebles, Dumfries	TA, II, p. 166; Pitcairn, I, pp. 27, 38–9	yes	RSS, I, p. 131

Feb. 1503	Edinburgh	Pitcairn, I, pp. 38–9	
May–June 1503	Kirkcudbright, Wigton, Ayre	TA, II, p. 166–7	yes
June 1503	Perth	TA, II, p. 167	yes
Oct. 1503	Cupar	TA, II, p. 167	yes
Aug. 1504	Dumfries	TA, II, p. 167; Pitcairn, I p. 39	yes
Nov. 1504	Dumfries	TA, II, p. 167	no
Dec. 1504	Jedburgh	TA, II, p. 167	yes
May 1505	Dumbarton, Renfrew, Ayre	TA, III, p. 11	yes
Nov. 1505	Banff, Aberdeen, Bervy	TA, III, p. 11	yes
11 to 30 May 1506	Lauder	TA, III, p. 11	no
8 June–5 Jul. 1506	Edinburgh	TA, III, p. 11	possible
8 June–5 Jul. 1506	Lanark, Peebles	TA, III, pp. 11–12	no
Nov. 1506	Jedburgh, Selkirk	TA, III, p. 228	yes
Feb. 1507	<i>Probably Justiciary Court, but might be the Edinburgh ayre, Pitcairn, I, p. 50</i>		
27 June 1507	Perth, Stirling	TA, III, pp. 228–9	yes
Feb. 1508	Edinburgh	Pitcairn, I, p. 50	possible
Mar. 1508	Dundee	TA, IV, p. 146	no
Oct. 1508	Kirkudbright, Wigton, Ayre	TA, IV, p. 147; Pitcairn, I, pp. 53–7	yes
Nov. 1509	<i>Meeting of Justiciary Court in Glasgow possibly not an ayre, Pitcairn, I p. 62</i>		
[Nov.] 1509	Couper	TA, IV, p. 149	yes
[Jul.] 1510	Inverness, Elgin, Banff	TA, IV, p. 150	no
17 Nov. 1510	Jedburgh	TA, IV, p. 155, Pitcairn, I, pp. 64	yes
Dec. 1510	Selkirk, Peebles	TA, IV, p. 155, Pitcairn, I, p. 71–2	no
1510 [possibly Jan. 1511?]	Perth	TA, IV, p. 155	possible
Feb. 1511	Edinburgh	TA, IV, p. 155, Pitcairn, I, p. 73	
Oct. 1511	Ayre, Wigton, Kirkcudbright	TA, IV, pp. 159–60; Pitcairn, I, p. 74	no
			RSS, I, pp. 353–5
			RSS, I, pp. 138–40
			Macdougall, p. 158
			RSS, I, p. 145
			RSS, I, p. 153
			RSS, I, p. 154
			RSS, I, p. 154
			RSS, I, p. 158
			RSS, I, p. 165
			RSS, I, p. 182
			RSS, I, pp. 185–6
			RSS, I, p. 185
			RSS, I, p. 193
			RSS, I, p. 215
			in Edin: RSS, I, p. 235
			RSS, I, p. 263
			RSS, I, p. 301
			RSS, I, p. 320
			RSS, I, p. 330
			RSS, I, p. 330–1
			RSS, I, p. 334

Table 15: (Continued)

Date	Location	Source	Ruler present	Source
Apr. 1512	Edinburgh	Pitcairn, I, p. 76		
Nov. 1512	<i>Justiciary Court, rather than an ayre, sitting in Edinburgh.</i>	<i>Pitcairn, I, p. 81</i>		
1512	Aberdeen	TA, IV, p. 161	unclear	RSS, I, pp. 356–74; no grants in Aberdeen
Jul. 1513	Wigton	Pitcairn, I, p. 88	no	RMS, II, pp. 841–3
James V's minority				
<i>Aug. 1513–June 1515: no Treasurer's Accounts</i>				
15 Jan. 1516	Perth	E21/14 f.7v.	no	RSS, I, pp. 411–13
Aug. 1516	Dundee	E21/14 f.24v.	possible	RSS, I, p. 435
Jan.–Feb. 1517	Falkland, Perth, Dundee	CS5/28 f. 70, E21/15 ff. 29v; CS5/30 f. 202v	yes	RSS, I, p. 447; CS5/28 f. 70
Chancellor ayre held in Edinburgh in 1517				
<i>Sept. 1518–June 1522: no TA</i>				
<i>Apr. 1524–Aug. 1525: no TA</i>				
1525: various times	Edinburgh	JC1/3		
1526: various times	Edinburgh	JC1/3		
Jul. 1526	Jedburgh	RSS, I, p. 523	yes	RSS, I, p. 523
Jan. 1527	Perth	E21/22 f. 97v.	yes	E21/22 f. 88v
Jan./Feb. 1527	Forfारे, Cupar, Dundee	E21/22 ff. 88v, 97v.	yes	RSS, I, p. 549
Feb. 1527	<i>ayres of Kincardin, Banff and Aberdeen continued</i>			
May 1527	Stirling	JC1/3	possible	RSS, I, p. 559
Jan.–Feb. 1528	Aberdeen	RSS, I, p. 572	yes	RSS, I, p. 572

June – Aug. 1528 1526–1532	Stirling, Falkland Edinburgh	JC1/3 JC1/3 records various sittings of a few days during this period	
James V majority			
Feb.–Mar. 1529	Perth	JC1/3	no E31/2
28 May–Jul. 1529	Haddington, Jedburgh, Peebles, Selkirk	JC1/3; E21/29 f. 2	yes E31/2
25 Oct. 1529	Lanark	E31/3	yes E31/3
27 Oct.–early Nov. 1530	Drumfries	JC1/3, E21/23 f. 33	yes E31/3
23 Nov.–Dec. 1529	Kirkcudbright, Wigton	JC1/3, E21/23 f. 33	no E31/3
Jan. 1530	Glasgow, Ayr	E31/3	yes E31/3
21 Feb. 1530	Renfrew	E21/23 f. 25v	yes E31/3
June and Aug. 1530	Stirling	JC1/3	Possible E31/3
Aug./Sept 1530	Linlithgow	JC1/3	Possible E31/4
Sept 1530	Aberdeen	E21/24 f. 39v	no E31/4
Oct. 1530	Peebles	JC1/3	no E31/4
Nov.–Dec. 1530	Perth	E21/24 f. 36v, JC1/3	no E31/4
Winter 1530– Feb. 1531	Dundee, Forfar	E21/29 f. 2	no E31/4
9 June 1531	Aberdeen	E21/31 f. 2; E21/29 f. 2	no E31/4
24 Oct. – 10 Nov. 1531	Dumbarton	E25/25 f. 7	no E31/4
Aug. 1532 –Sept 1533: no ayres recorded in the Treasurers Accounts			
9 Jul. to 9 Aug. 1534	Lanark	E21/28 f. 6v	no E31/5
Nov. 1534	Inverness	E21/29 f. 4; E21/31 f. 2	no E31/6 ff. 1–19

Table 15: (Continued)

Date	Location	Source	Ruler present	Source
5 May 1535	Jedburgh	E32/4 f. 85	yes	E32/4 f. 85
22 Nov. to 20 Dec. 1535	Dumfries	E21/29 f. 12	no	E32/5
No ayres recorded in TA Feb. 1536–September 1537 or Mar. 1538–September 1539				
18 Nov. 1538	Jedburgh?	TA vol. VII pp. 106–7, 133	<i>order to continue the court.</i>	
Jan. 1539?	Dumfries	TA vol. VII p. 133		
Oct. 1539	Dumfries, Dumbarton	E21/38 ff. 11v, 21v	no	RSS, II p. 475
Apr. 1540	Dumfries	E21/37 f. 11v	no	RSS, II pp. 515–17
22 Oct.–25 Nov. 1540	Kirkcudbright, Wigton	E21/38 f. 21v	no	RSS, II pp. 551–4
30 Apr.–21 May 1541	Roxburgh	E21/38 f. 21v	no	RSS, II pp. 608–10
Nov. 1541	Jedburgh	E21/39 f. 32v	no	RSS, II pp. 646–51
Arran				
Apr. 1547	Dunbar	E21/42 f. 30	possible	E32/9 f. 32v
Aug. 1548	Lanark, Renfrew, Dumbarton, Ayre	E21/42 f. 30v		E31/9 f. 121
Aug. 1548	Fife, Forfारे, Kincardin	E21/42 f. 30v.	no	E31/9 f. 121
Aug. 1548	Aberdeen, Banff, Elgin, Forres	E21/42 f. 30v	no	E31/9 f. 121
Aug. 1548	Gromarty, Inverness, Nairn	E21/42 f. 30v	no	E31/9 f. 121
19 Nov.–18 Dec. 1550	Lanark, Dumfries	E21/43 f. 8v; E21/44 f. 21	yes	E32/11
Feb. 1551	Jedburgh	E21/44 ff. 15, 16v.	yes	E32/11
Jul.–Aug. 1551	Dumfries	RSS, IV, pp. 204–12	yes	E32/11
2–21 Nov. 1551	Jedburgh & Drumfries	E21/44 f. 31v	yes	E31/10

21 Nov.–10 Dec. 1551	Kirkcudbright, Wigton, Ayre, Dumfries	E21/44 ff. 14v, 38	no	E31/10
Feb. – Mar. 1552	Ayr	E21/44 f. 14v	partially	E31/10
Jul. – Sept 1552	Aberdeen, Inverness, Elgin, Banff	E21/44 f. 15; PC1/2 f. 50v	yes	E31/10
Jan. 1553	Ardois	E21/45 f. 24v	no	E31/11
Mar. 1553	Angus, Kincardin, Forfare, Dundee, Perth	E21/45 f. 11	no	E31/11
31 May 1553–22 Jun 1553	Perth	E21/45 f. 11v	yes	PC1/2 f. 71, E32/11
Aug. 1553	Fife, Couper	E21/45 f. 11	partly	E31/11
17 Aug. 1553	<i>Berwick, Edinburgh and Haddington ayres proclaimed</i>			
Marie de Guise				
24 Jul. 1554	Jedburgh	E21/46 f. 31	yes	RSS, IV, p. 481
Mar. 1555	Jedburgh, Dumfries Berwick Fife	E21/47 f. 24v	no	RSS, IV, pp. 511–14
Jul. 1555	Jedburgh	E21/47 f. 48	yes	RSS, IV, pp. 530–5
26 Jul. to 6 Sep. 1555	Dumfries	E21/47 f. 41	yes	RSS, IV, p. 530–5
14–16 Oct. 1555	Glasgow	E21/47 f. 48	no	RSS, IV, pp. 537–42
Oct. 1555	ditray taken up in North	E21/47 ff. 43, 48	unclear if anything happened	
3 Jul.–Sept 1556	Inverness, Elgin, Forres, Banff, Aberdeen	E21/49 f. 6	yes	RSS, IV, pp. 584–94
Mary, Queen of Scots				
Nov. 1561	Jedburgh	E21/54 f. 57	no	RSS, V(1) pp. 223–8
Summer 1562	Aberdeen, Inverness	RSS, V(1) pp. 291–301	yes	RSS, V(1) pp. 291–301

Table 15: (Continued)

Date	Location	Source	Ruler present	Source
Oct. 1566	Jedburgh	RPC, I, p. 476	yes	<i>Historie of King James the Sext</i> , pp. 1–2 gives date as 1565.
20 May 1567	Dumbarton	E21/58 f. 22	no	RSS, V(2), pp. 370–91
Moray				
8 Mar. – c. 14 Apr. 1568	Dumbarton, Renfrew and area	RPC, I, p. 614; E21/58 f. 53	yes	RSS, VI, pp. 50–8
June 1569	Aberdeen, Banff, Elgin, Inverness, Forfar	E21/59 f. 23	yes	RPC, VI, pp. 127–137
Dec. 1569	Rae claims there was an ayre held at Jedburgh, in fact this was a raid in pursuit of the earl of Northumberland.			
Morton				
Nov. 1573	Peebles	E21/102 f. 41; JC1/14	yes	RSS, VI, pp. 417–18
Dec. 1573–Jan. 1574	Haddington, Selkirk	E21/102 f. 41; JC1/14	yes	RSS, VI, pp. 424–8
Aug. 1574	Aberdeen	E22/1 f. 35; JC1/15	yes	RSS, VI, pp. 478–84
16 Nov. 1575	Drumfries	E22/1 f. 35	yes	RSS, VII, pp. 53–4
15 Feb. 1576	Edinburgh	E22/1 f. 35	possibly	RSS, VII, p. 68
10 Nov. – c. 4 Dec. 1576	Roxburgh, Selkirk	E22/2 f. 33	yes	RSS, VII, p. 113
23 Jan. 1577, 12 Feb. 1577	Linlithgow, Roxburgh	E22/2 f. 33	no	RSS, VII, pp. 125, 131

Bibliography

Manuscripts

Edinburgh

National Records of Scotland [NRS]

Financial Records:

E21/12–E21/59, E21/102: Treasurer's Accounts

E22/1, E22/2: Treasurer's Accounts

E24: Comptroller's Accounts

E31/1–E31/13: Libri Domicilii

E32/1–E32/12: Libri Emptorum

E33/3–E33/5: Despenses de la Maison Royal

E35/10: Wardrobe Inventories

E38/348–E38/504: Exchequer Rolls

E45/8–15: Collectors of the Thirds' Accounts

E65/1: Taxation for licences to be absent from the army summoned to meet at
Dumfries, 1577

Legal and Governmental Records:

CC8/8/4: Register of testaments

CH7/45–6: Papal Bulls

CS5, CS6: Register of the Lords of Council and Session

JC1, JC2: Justiciary Court Books of Adjournal

PC1: Privy Council Register

SP7: State Papers – diplomatic correspondence

Family Papers:

GD18

GD124: Mar Muniments

GD149: Cunningham of Caprington Papers

GD150: Douglas Papers

GD204: Hamilton Papers

GD205: Ogilvy Papers

National Library of Scotland [NLS]

Ms. 77: Morton Papers

Adv. 29.2.5

Adv. Ms. 33.1.9: Franco-Scottish diplomatic papers

Adv. Ms. 33.1.11: Negotiations with Denmark-Norway
Adv. Ms. 33.1.15
Adv. Ms. 33.2.15: Sir James Balfour's 'Annals of Scotland'
Adv. Ms. 33.3.10: Letters and Instructions of Ralph Sadler
NLS Adv. Mss 34.2.2: Haddington Manuscript
Adv. Ms. 35.1.5: Franco-Scottish diplomatic papers
Ms. 1746: Adam Abell's 'The Roit or Quheill of Tyme'

Private Muniments

National Register of Archives, Scotland [NRSA] 217, Moray Muniments

London

The National Archives [TNA]

SP1
SP12
SP49: State Papers Scotland, Henry VIII
SP50: State Papers Scotland, Edward VI
SP51: State Papers Scotland, Mary I
SP52: State Papers Scotland, Elizabeth I
SP53: State Papers relating to Mary, Queen of Scots
SP59: Border Papers
SP70/89
E30
E39: Exchequer records, treaties relating to Scotland
M.P.F.257: plan of the debatable lands

The British Library [BL]

Additional MS 15387: Papers of Henry VIII
Additional MS 27472: David Chalmers, 'Dictionary of Scots Law', 1566
Additional MS 32648:
Additional MS 32652
Additional MS 32653
Cotton MSS Caligula B II, B III, B VI, B VII, B VIII, C I, C II, E I: Letters and
Papers relating to Anglo-Scottish diplomacy
Harley MS 260
Lansdowne MS 26: Letters and Papers c.1578
Royal MS 13.B.II: Letters and Papers relating to Scotland
Royal MS 18.B.VI

Hatfield House (consulted on microfilm in the British Library)

Cecil Papers vol. 138

Paris

Archives Nationales [AN]

Trésor des Chartes: J678, J679, J680 (these classmarks appear to correspond to the old catalogue reference 'Coffre intitulé Ecosse')

Bibliothèque Nationale [BN]

Fonds Français:

3075: Letters to the Grand Maistre, c.1520–5

3087: Letters and Papers

3124: Letters and Papers

3140: Letters and Papers

3304: Letters and Papers

4552: Letters and Papers

17330

17889: Correspondence relating to Scotland in the 1540s

17890: Ambassades de Mesnage

20209: Armes de la Duché de Bologne

20425: Dossier on households of François I and Henri II

Archives Etrangers [AE] (microfilm copy in St Andrews University Library)

Angleterre Supplement 1

Correspondence Politique Angleterre 12

Copenhagen

Rigsarkivet (The Danish National Archives)

Skotland AI.

Printed Primary Sources

Accounts of the Collectors of Thirds of Benefices, 1561–1572, ed. Gordon Donaldson (Edinburgh, 1949)

Accounts of the Treasurer of Scotland, ed. T. Dickson et al. (13 vols, Edinburgh, 1877–1970)

Acts of the Parliaments of Scotland, ed. C. Innes and T. Thomson (12 vols, Edinburgh, 1814–75)

Acts of the Lords of Council in Public Affairs, 1501–54, ed. R. K. Hannay (Edinburgh, 1932)

Anon., *A declaration conteynyn the iust causes and consyderations of this present warre with the Scottis wherin alsoo appereth the trewe & right title the Kinges Most Royall Maiesty hath to the souerayntie of Scotlande* (London, 1542)

Anon., *Complaynt of Scotland* (Paris, 1550)

Anon., *Legitime conseil des Roys de France pendant leur ieune aage: Contre ceux qui veulent maintenir l'ilégitime gouvernement de ceux de Guise, soubz le tiltre de la majorité du Roy, cy deuant publié* (Toulouse, c.1560?)

Anon., *L'entree du Roy dans son Parlement pour la Declaration de sa Maiorite* (Paris, 1651)

Bain, Joseph (ed.), *The Hamilton Papers* (2 vols, Edinburgh, 1890)

Balfour, Sir James, *The Practicks of Sir James Balfour of Pittendreich: Reproduced from the Printed Edition of 1754*, ed. P. G. B. McNeill (facsimile edition, Edinburgh, 1962)

Bannatyne, Richard, *Memoriales of Transactions in Scotland*, ed. R. Pitcairn (Edinburgh, Bannatyne Club, 1836)

- Boece, Hector, *The History and Chronicles of Scotland* (2 vols, Edinburgh, 1821)
- Booke of the Universall Kirk, ed. Alexander Peterkin (Edinburgh, 1839)
- Buchanan, George, *Rerum Scoticarum Historia* (Edinburgh, 1582)
- Buchanan, George, *History of Scotland* (1690)
- Buchanan, George, *History of Scotland* (2 vols, London, 1733)
- Buchanan, George, *George Buchanan's Dialogue on the Law of Kingship among the Scots: De Jure Regni Apud Scotos*, ed. Roger Mason and Martin S. Smith (Edinburgh, 2006)
- Calderwood, David, *The History of the Kirk in Scotland*, ed. T. Thomson and D. Laing (8 vols, Edinburgh, 1842–9)
- Calendar of the Manuscripts of the Most Hon. the Marquis of Salisbury, Preserved at Hatfield House, Hertfordshire*, 14 vols (London, 1883–1976)
- Calendar of State Papers, Foreign Series, Edward, Mary and Elizabeth*, ed. J. Stevenson et al., 25 vols (London, 1861–1950)
- Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547–1603*, ed. J. Bain et al., 13 vols (Edinburgh, 1898)
- A Collection of State Papers Relating to Affairs in the Reigns of King Henry VIII, Queen Mary, King Edward VI and Queen Elizabeth from the years 1542–1570, Transcribed from Original Letters left by William Cecil Lord Burghley and now remaining at Hatfield House*, ed. Samuel Haynes (London, 1740)
- Cameron, Annie I. (ed.), *The Warrender Papers* (Edinburgh, 1931)
- Dawson, Jane (ed.), *Clan Campbell Letters* (Edinburgh, 1997)
- Diurnal of Remarkable Occurrents that have passed within the Country of Scotland Since the Death of King James the Fourth Till the Year MDLXXV*, ed. Thomas Thompson (Edinburgh, 1833)
- Dupuy, Pierre, *Traite de la Majorite de nos Rois et Des Régences du Royaume avec Les preuves tirées, tant du Tresor des Chartes du Roi, que des Registres du Parlement, & autres lieux* (Rouen, 1722)
- Exchequer Rolls of Scotland*, ed. George Burnett et al. 23 vols (Edinburgh, 1878–1908)
- Fowler, William, *Works of William Fowler, Secretary to Queen Anne, Wife of James VI*, vol. III, ed. Henry W. Meikle (Edinburgh, 1914–40)
- Guicciardini, Francesco, *The History of Italy*, ed. Sidney Alexander (New York, 1969)
- Hay, Denys and R. K. Hannay (eds), *The Letters of James V* (Edinburgh, 1954)
- Historical Manuscripts Commission Report on the Manuscripts of the Duke of Hamilton* (11th report, HMSO, London, 1887)
- Holmes, N. M. McQ., *Sylloge of Coins of the British Isles 58: Scottish Coins in the National Museums of Scotland, Edinburgh Part I 1526–1603* (Oxford, 2006)
- Hume of Godscroft, David, *History of the House and Race of Douglas and Angus* (Edinburgh, 1743)
- James VI, *The Trew Law of Free Monarchies* (Edinburgh, 1598)
- Kinloch, G. R. (ed.), *The Diary of Mr James Melville, 1556–1601* (Edinburgh, 1829)
- Kirk, James (ed.) *The Books of Assumption of the Thirds of Benefices: Scottish Ecclesiastical Rentals at the Reformation* (Oxford, 1995)
- Knox, John, *History of the Reformation in Scotland*, ed. W. C. Dickinson, 2 vols (London, 1949)

- Laing, Malcolm (ed.), *The Historie and Life of King James the Sext* (Edinburgh, 1804)
- Latimer, Hugh, *A moste faithfull sermo[n] preached before the Kynges most excelle[n]te Maiestye, and hys most honorable Councel, in his court at Westminster, by the reuerende Father Master Hughe Latymer* (London, 1553).
- Lauder, William, *The Extant Poetical Works of William Lauder, Playwright, Poet and Minister of the Word of God*, ed. F. J. Furnivall (London, 1870)
- Letters and Papers Foreign and Domestic, of the Reign of Henry VIII*, ed. J. S. Brewer et al. 21 vols (London, 1862–1910)
- Lesley, John, *History of Scotland, from the Death of King James I in the Year 1436 to the Year 1561*, ed. T. Thomson (Edinburgh, 1830)
- Lindsay, David, *Ane Dialogue Betuixt Experience and ane Courteour* (Edinburgh or St Andrews, 1554)
- Lindsay, Robert, of Pitscottie, *The History and Cronicles of Scotland from the Slauchter of King James the First to the ane thousande fyve hundreith thrie scoir fyftein zeir*, ed. Æ. J. G. Mackay 3 vols (Edinburgh, 1899–1911)
- Marwick, J. D. (ed.), *Extracts from the Burgh Records of Edinburgh*, 5 vols (Edinburgh, 1870–82)
- Mackenzie, Sir George, *Observations upon the Laws and Customs of Nations, as to Precedency* (Edinburgh, 1680)
- Makgill (sic), James, and John Bellenden, *La Discours Particulier D'Escosse* (Edinburgh, 1824)
- Maxwell, John, fifth Lord Herries, *Historical Memoirs of the Reign of Mary, Queen of Scots and a Portion of the Reign of King James the Sixth*, ed. Robert Pitcairn (Edinburgh, 1836)
- Melville, James, of Halhill, *Memoirs of his Own Life 1549–1603*, ed. Thomas Thompson (Edinburgh, 1827)
- Moysie, David, *Memoirs of the Affairs of Scotland by David Moysie, 1577–1603*, ed. J. Dennistoun (Edinburgh, 1830)
- Murray, A. L., 'Pursemaster's Accounts', *SHS Miscellany* 10 (Edinburgh, 1965), pp. 23–4.
- Nichols, J. G. (ed.), *Literary Remains of King Edward VI* (London, 1857)
- Paton, H. M. (ed.), *Accounts of the Masters of Works for Building and Repairing Royal Palaces and Castles* (Edinburgh, 1957)
- Pitcairn, Robert, *Ancient Criminal Trials in Scotland* 3 vols (Edinburgh, 1833)
- Register of the Privy Council of Scotland*, eds. J. H. Burton et al. (first series, 14 vols, Edinburgh, 1877–1933).
- Registrum Magni Sigilli Regum Scotorum, Register of the Great Seal of Scotland*, ed. J. Thompson et al. (11 vols, Edinburgh, 1882–1914)
- Registrum Secreti Sigilli Regum Scotorum, Register of the Privy Seal*, ed. M. Livingstone et al. (8 vols, Edinburgh, 1908–82)
- Sempill, Robert, *Ane New Ballet Set out be ane fugitiue Scottisman that fled out of Paris at this late Murther* (St Andrews, 1572)
- Skelton, John, *The Complete Poems of John Skelton, Laureate*, ed. Philip Henderson (London, 1931)
- Skene, John, *De Verborum Significatione: the Exposition of the Termes and Difficill Wordes, Contained in the Foure Buikes of Regiam Majestatem, and vthers, in the Actes of Parliament, Infeftments, and used in practique of this realme, with diuerse rules, and commoun places, or principales of the Lawes* (Edinburgh, 1597)

- Stuart, J. (ed.), *Extracts from the Council Register of the Burgh of Aberdeen* [ABR] (2 vols, Aberdeen, 1844)
- Tillet, Jean du, *Pour la Maiorite du Roy Tres-chrestien, contre les escrits des rebelles* (Tours, 1560)
- Unger, Carl, and H. J. Huitfeldt-Kaas et al. (eds), *Diplomatarium Norvegicum* (22 vols, Christiania [Oslo], 1847–1992)
- Wood, Marguerite (ed.), *Flodden Papers: Diplomatic Correspondence between the Courts of France and Scotland, 1507–1517* (Edinburgh, 1933)

Websites

- Records of the Parliament of Scotland Project; <http://www.rps.ac.uk/>; last accessed 24 June 2014
- Sinclair's Practicks: <http://www.uni-leipzig.de/~jurarom/scotland/dat/sinclair.htm>
- Meermano Museum online manuscript image library: <http://collecties.meermano.nl/>

Secondary Sources

- Adams, Sharon, 'The Conference at Leith: Ecclesiastical Finance and Politics in the 1570s', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 123–46
- Adamson, John (ed.), *Princely Courts of Europe: Ritual, Politics and Culture under the Ancien Régime, 1500–1750* (London, 1999)
- Aladjidi, Priscille, *Le roi père des pauvres, France XIIIe–XVe siècle* (Rennes, 2008)
- Alford, Stephen, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis, 1558–1569* (Cambridge, 1998)
- Alford, Stephen, *Kingship and Politics in the Reign of Edward VI* (Cambridge, 2002)
- Alford, Stephen, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven, 2008)
- Anderson, Peter D., *Robert Stewart, Earl of Orkney, Lord of Shetland* (Edinburgh, 1982)
- Anglo, Sydney, *Images of Tudor Kingship* (London, 1992)
- Armstrong, Jackson, 'The Justice Ayre in the Border Sheriffdoms, 1493–1498', *SHR* 92 (2013), pp. 1–37.
- Barrow, Lorna G., '“The Kynge sent to the Qwene, by a Gentyلمان, a grett tame Hart”. Marriage, Gift Exchange, and Politics : Margaret Tudor and James IV, 1502–1513', *Parergon* 21 (2004), pp. 65–84
- Barnes, Ishbel C. M., Janet Kennedy, *Royal Mistress: Marriage and Divorce at the Courts of James IV and V* (Edinburgh, 2007)
- Bath, Michael, *Renaissance Decorative Painting in Scotland* (Edinburgh, 2003)
- Bentley-Cranch, Dana, and Rosalind Kay Marshall, 'John Stewart Duke of Albany, Lord Governor of Scotland and His Political Role in Sixteenth-Century France: A Re-Assessment in the Light of New Information', *Proceedings of the Society of Antiquaries of Scotland* 133 (2003), pp. 293–313
- Blakeway, Amy, 'The Response to the Regent Moray's Assassination', *SHR* 88 (2009), pp. 9–33

- Blakeway, Amy, 'The Attempted Divorce of James Hamilton, Earl of Arran, Governor of Scotland', *Innes Review*, 61 (2010), pp. 1–23
- Blakeway, Amy, 'Kinship and Diplomacy in Sixteenth-Century Scotland: the Earl of Northumberland's Scottish Captivity in its Domestic and International Context, 1569–72', *Historical Research* 87 (2014), pp. 229–50
- Blakeway, Amy, 'A Scottish Anti-Catholic Satire Crossing the Border: "Ane bull of our haly fader the paip, quhairby it is leesum to everie man to haif tua wyffis" and the Redeswyre Raid of 1575', *English Historical Review* 129 (forthcoming, December 2014).
- Blakeway, Amy, 'The Sixteenth-Century Price Rise: New Evidence from Scotland, 1500–85', *Economic History Review* 67 (forthcoming, 2015).
- Boardman, Steve, 'Coronations, Kings and Guardians: Politics, Parliaments and General Councils, 1371–1406', in Keith M. Brown et al. (eds), *The History of the Scottish Parliament, 1. Parliament and Politics in Scotland, 1235–1560* (Edinburgh, 2004)
- Boardman, Steve, 'Royal Finance and Regional Rebellion in the Reign of James IV', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 15–43
- Bonner, Elizabeth, 'Continuing the "Auld Alliance" in the Sixteenth Century: Scots in France and French in Scotland', in Grant Simpson (ed.), *The Scottish Soldier Abroad, 1247–1967* (Edinburgh, 1992), pp. 31–46
- Bonner, Elizabeth, 'The Recovery of St Andrews Castle in 1547: French Naval Policy and Diplomacy in the British Isles', *English Historical Review* 111 (1996), pp. 578–98
- Bonner, Elizabeth, 'French Naturalization of the Scots in the Fifteenth and Sixteenth Centuries', *Historical Journal* 40 (1997) pp. 1085–1115
- Bonner, Elizabeth, 'The Genesis of Henry VIII's "Rough Wooing" of the Scots', *Northern History* 33 (1997), pp. 36–53
- Bonner, Elizabeth, 'The French Reactions to the Rough Wooings of Mary, Queen of Scots', *Journal of the Sydney Society for Scottish History* 6 (1998)
- Bonner, Elizabeth, 'Scotland's "Auld Alliance" with France, 1290–1560', *History* 84 (1999), pp. 5–30
- Bonner, Elizabeth, 'The Politique of Henri II: De Facto French Rule in Scotland, 1550–1554', *Journal of the Sydney Society for Scottish History* 7 (1999)
- Britnell, Jennifer, and Richard Britnell (eds), *Vernacular Literature and Current Affairs in the Early Sixteenth Century: France, England and Scotland* (Aldershot, 2000)
- Brown, Helen, 'Saint Triduana of Restalrig? Locating a Saint and Her Cult in Late Medieval Lothian and Beyond', in Debra Higgs Strickland (ed.), *Images of Medieval Sanctity: Essays in Honour of Gary Dickson* (Leiden, 2007), pp. 45–70
- Brown, Keith, *Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh, 1986)
- Brown, Keith, 'The Price of Friendship: The "Well Affected" and English Economic Clientage in Scotland before 1603', in Roger Mason (ed.), *Scotland and England 1286–1815* (Edinburgh, 1987), pp. 139–62
- Brown, Keith, *Noble Society in Scotland: Wealth, Family and Culture from the Reformation to the Revolution* (Edinburgh, 2004)

- Brown, Keith, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2011)
- Brown, Keith, 'Early Modern Scottish History: A Survey', *SHR* 92 (2013), pp. 5–24
- Brown, Keith, A. J. Mann, Alan R. MacDonald and Ronald Tanner (eds), *The History of the Scottish Parliament, 1. Parliament and Politics in Scotland, 1235–1560* (Edinburgh, 2004)
- Brown, Keith, A. J. Mann, Alan R. MacDonald and Ronald Tanner (eds), *The History of the Scottish Parliament, 2. Parliament and Politics in Scotland, 1567–1707* (Edinburgh 2005)
- Brown, Keith, and Alan R. MacDonald (eds), *The History of the Scottish Parliament, 3. Parliament in Context, 1235–1707* (Edinburgh, 2010)
- Brown, Michael, *James I* (Edinburgh, 1994)
- Brown, Michael, *The Black Douglases: War and Lordship in Late-Medieval Scotland, 1300–1455* (East Linton, 1998)
- Brown, Michael, "Vile Times": Walter Bower's Last Book and the Minority of James II', *SHR* 79 (2000), pp. 165–88
- Buchanan, P. H., *Margaret Tudor, Queen of Scots* (Edinburgh, 1985)
- Burns, J. H., "Pro me si mereor in me": Kingship and Tyranny in Scotland 1437–1587', in Robert von Friedeburg (ed.), *Murder and Monarchy: Regicide in European History, 1300–1800* (Basingstoke, 2004), pp. 149–58
- Cairns, John, 'Historical Introduction', in Kenneth Reid, and Reinhard Zimmermann (eds), *A History of Private Law in Scotland* (2 vols, Oxford, 2000), pp. 14–184
- Cairns, John, 'Revisiting the Foundation of the College of Justice', in Hector MacQueen (ed.), *Stair Society Miscellany V* (Edinburgh, 2006), pp. 27–50
- Cameron, Jamie, *James V: The Personal Rule, 1528–1542* (Edinburgh, 1998)
- Cameron, J. K., "Catholic Reform" in Germany and in the Pre-1560 Church in Scotland', *Scottish Church History Society Records* 20 (1979), pp. 105–17
- Cameron, J. K., 'The Cologne Reformation and the Church of Scotland', *Journal of Ecclesiastical History* 30 (1979), pp. 39–64
- Carpenter, M. C., *Locality and Polity: a Study of Warwickshire Landed Society, 1401–1499* (Cambridge, 1992)
- Carpenter, Sarah, 'Performing Diplomacies: the 1560s Court Entertainments of Mary Queen of Scots', *SHR* 82 (2003), pp. 194–225
- Carpenter, Sarah, 'Walter Binning: Decorative and Theatrical Painter (fl. 1540–1594)', *Medieval English Theatre* 10 (1988), pp. 17–25
- Carpenter, Sarah, and Graham Runnalls, 'The Entertainments at the Marriage of Mary, Queen of Scots and the French Dauphin François, 1558: Paris and Edinburgh', *Medieval English Theatre* 22 (2000), pp. 145–61
- Carpenter, Sarah, 'David Lindsay and James V: Court Literature as Current Event', in Jennifer Britnell and Richard Britnell (eds), *Vernacular Literature and Current Affairs in the Early Sixteenth Century: France, England and Scotland* (Aldershot, 2000)
- Cathcart, Alison, 'The Forgotten '45: Donald Dubh's Rebellion in an Archipelagic Context', *SHR* 91 (2012), pp. 239–64.
- Challis, C. E., 'Debasement: the Scottish Experience in the Fifteenth and Sixteenth Centuries', in D. M. Metcalf (ed.), *Coinage in Medieval Scotland 1100–1600* (Oxford, 1977), pp. 171–96

BIBLIOGRAPHY

- Chapman, H. W., *The Sisters of Henry VIII: Margaret Tudor, Queen of Scotland, and Mary Tudor, Queen of France and Duchess of Suffolk* (London, 1969)
- Christensen, Thorkild Livy, 'Scoto-Danish Relations in the Sixteenth Century: the Historiography and Some Questions', *SHR* 48 (1969), pp. 80–97
- Christensen, Thorkild Livy, 'The Earl of Rothes in Denmark', in I. Cowan, and D. Shaw (eds), *The Renaissance and Reformation in Scotland: Essays in Honour of Gordon Donaldson* (Edinburgh, 1983), pp. 60–74
- Cowan, Ian, and David Easson (eds), *Medieval Religious Houses, Scotland, with an appendix on the Isle of Man* (London, 1976)
- Cowan, Ian, and David Shaw (eds), *The Renaissance and Reformation in Scotland: Essays in Honour of Gordon Donaldson* (Edinburgh, 1983)
- Crawford, Katherine, *Perilous Performances: Gender and Regency Early Modern France* (Cambridge, MA, 2004)
- Cross, Claire, David Loades and J. J. Scarisbrick (eds), *Law and Governance under the Tudors* (Cambridge, 1988)
- Cruz, Ann J., 'Juana of Austria: Patron of the Arts and Regent of Spain, 1554–9', in Ann J. Cruz and Mihoko Suzuki (eds), *The Rule of Women in Early Modern Europe* (Chicago, 2009), pp. 103–22.
- Dawson, Jane, 'William Cecil and the British Dimension of Early Elizabethan Foreign Policy', *History* 74 (1989) pp. 196–216
- Dawson, Jane, *The Politics of Religion in the Age of Mary, Queen of Scots: the Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge, 2002)
- Dennison, Patricia E., and Michael Lynch, 'Crown, Capital and Metropolis: Edinburgh and Canongate: the Rise of a Capital and an Urban Court', *Journal of Urban History* 32 (2005), pp. 22–44
- Dennison, Patricia, 'Robin Hood in Scotland', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 169–89
- Dickinson, Gladys, 'Instructions to the French Ambassador, 30 March 1550', *SHR* 26 (1947), pp. 154–67
- Dickinson, William Croft, 'The High Court of Justiciary', in G. C. H. Panton (ed.), *Introduction to Scottish Legal History* (Edinburgh, 1958), pp. 408–12
- Dickinson, William Croft, 'Introduction' in William Croft Dickinson (ed.), *The Sheriff Court Book of Fife* (Edinburgh, 1928)
- Ditchburn, David, 'Saints at the Door Don't Make Miracles? The Contrasting Fortunes of Scottish Pilgrimage, c. 1450–1550', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 69–99
- Dolezalek, Gero, 'The Court of Session as a Ius Commune Court – Witnessed by "Sinclair's Practicks", 1540–9', in Hector MacQueen (ed.), *Stair Society Miscellany IV* (Edinburgh, 2002), pp. 51–84
- Donaldson, Gordon, 'The Church Courts', in G. C. H. Panton (ed.), *An Introduction to Scottish Legal History* (Edinburgh, 1958), pp. 363–73
- Donaldson, Gordon, *The Scottish Reformation* (Cambridge, 1960)
- Donaldson, Gordon, *The First Trial of Mary, Queen of Scots* (London, 1969)
- Donaldson, Gordon, *All the Queen's Men: Power and Politics in Mary Stewart's Scotland* (London, 1983)
- Donaldson, Gordon, *Scotland: James V to James VII* (Edinburgh, second edition, 1994)

- Doughty, D. W., 'The Library of James Stewart Earl of Moray, 1531–1570', *Innes Review* 21 (1970), pp. 17–29
- Downie, Fiona, *She is but a Woman: Queenship in Scotland 1424–1463* (Edinburgh, 2006)
- Duncan, Archibald Alexander McBeth, 'The Regnal Year of David II', *SHR* 68 (1989), pp. 105–19
- Durkan, J., 'James, Third Earl of Arran: the Hidden Years', *SHR* 65 (1986), pp. 154–66
- Durkan, John, 'Paisley Abbey in the Sixteenth Century', *Innes Review* 27 (1976), pp. 110–26.
- Eaves, Richard Glen, *Henry VIII's Scottish Diplomacy, 1513–1524: England's Relations with the Regency Government of James V* (New York, 1971)
- Eaves, Richard Glen, *Henry VIII and James V's regency, 1524–1528: a Study in Anglo-Scottish Diplomacy* (Lanham, MD, 1987)
- Edington, Carol, *Court and Culture in Renaissance Scotland: Sir David Lindsay of the Mount (1486–1555)* (Amherst, MA, 1994)
- Eichberger, Dagmar, 'A Cultural Centre in the Southern Netherlands: the Court of Archduchess Margaret of Austria (1480–1530) in Melchen', in Martin Gosman, Alasdair MacDonald and Arjo Vanderjagt (eds), *Princes and Princely Culture, 1450–1650*, 2 vols (Leiden, 2003), I, pp. 239–58.
- Elton, Geoffrey, 'Tudor Government : the Points of Contact, 3 : the Court', *Transactions of the Royal Historical Society* 26 (1976), pp. 211–28
- Fellowes, E. H., *The Knights of the Garter 1348–1939. With a Complete List of the Stall-Plates in St George's Chapel* (London, 1939)
- Finlay, John, 'Robert Galbraith and the Role of Queen's Advocate', *Juridical Review* (1999), pp. 277–90
- Finlay, John, 'James Henryson and the Origins of the Office of the King's Advocate', *SHR* 79 (2000), pp. 17–38
- Finlay, John, 'Foreign Litigants before the College of Justice in the Sixteenth Century', in Hector MacQueen (ed.) *Stair Society Miscellany IV* (Edinburgh, 2002), pp. 37–50
- Finnie, Elaine, 'The House of Hamilton: Patronage, Politics and the Church in the Reformation Period' *Innes Review* 36 (1985), pp. 3–28
- Fisher, F. J., 'Influenza and Inflation in Tudor England', *Economic History Review* 18 (1965), pp. 120–9
- Fox, Adam, 'Religious Satire in English Towns, 1570–1640', in Patrick Collinson and John Craig (eds), *The Reformation in the English Towns* (Basingstoke, 1998), pp. 221–4
- Fradenburg, Louise, 'Sovereign Love: the Wedding of Margaret Tudor and James IV of Scotland', in Louise Fradenburg (ed.), *Women and Sovereignty* (Edinburgh, 1992), pp. 78–100
- Fradenberg, Louise, 'Troubled Times: Margaret Tudor and the Historians', in Sally Mapstone and Juliette Wood (eds), *The Rose and the Thistle: Essays on the Culture of Late Medieval and Renaissance Scotland* (East Linton, 1998), pp. 38–58
- Franklin, David, *The Scottish Regency of the Earl of Arran: a Study in the Failure of Anglo-Scottish relations* (Lampeter, 1995)
- Gemmell, Elizabeth, and Mayhew, Nicholas, *Changing Values in Medieval Scotland: a Study of Prices, Money, and Weights and Measures* (Cambridge, 1995)

BIBLIOGRAPHY

- Gibson, A. J. S. and T. C. Smout, *Prices, Food and Wages in Scotland, 1550–1780* (Cambridge, 1995)
- Giry-Deloisin, Charles, 'Money and Early Tudor Diplomacy. The English Pensioners of the French Kings (1475–1547)', *Medieval History* 3 (1993), pp. 128–46
- Godfrey, A. Mark, 'Jurisdiction in Heritage and the Foundation of the College of Justice in 1532', in Hector MacQueen (ed.), *Stair Society Miscellany IV* (Edinburgh, 2002), pp. 9–36
- Godfrey, A. Mark, *Civil Justice in Renaissance Scotland: the Origins of a Central Court* (Leiden, 2009)
- Goodare, Julian, 'Parliamentary Taxation in Scotland, 1560–1603', *SHR* 68 (1989), pp. 23–52
- Goodare, Julian, 'The Long Hundred in Medieval and Early Modern Scotland', *Proceedings of the Society of Antiquaries for Scotland* 123 (1993), pp. 395–418.
- Goodare, Julian, 'The Scottish Parliamentary Records 1560–1603', *Historical Research* 72 (1999), pp. 244–67
- Goodare, Julian, *State and Society in Early-Modern Scotland* (Oxford, 1999)
- Goodare, Julian, 'James VI's English Subsidy', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), pp. 110–25
- Goodare, Julian, *The Government of Scotland: 1560–1625* (Oxford, 2004)
- Goodare, Julian, 'A Balance Sheet for James VI of Scotland', *Journal of European Economic History* 38 (2009), pp. 49–91
- Goodare, Julian, 'The Debts of James VI of Scotland', *Economic History Review* 62 (2009), pp. 926–52
- Goodare, Julian (ed.), *Scottish Witches and Witch-Hunters* (Basingstoke, 2013)
- Goodare, Julian and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000)
- Goodare, Julian and Michael Lynch, 'The Scottish State and Its Borderlands, 1567–1625', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000)
- Goodare, Julian, and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008)
- Goodare, Julian, Lauren Martin and Joyce Miller (eds), *Witchcraft and Belief in Early Modern Scotland* (Basingstoke, 2008)
- Gosman, Martin, Alasdair MacDonald and Arjo Vanderjagt (eds), *Princes and Princely Culture 1450–1650* (2 vols, Leiden, 2003–5).
- Goudie, G., 'The Danish Claims upon Orkney and Shetland', *Proceedings of the Society of Antiquaries of Scotland* 21 (1887), pp. 236–51.
- Grant, Alexander, *Independence and Nationhood: Scotland 1306–1469* (Edinburgh, 1984)
- Grant, Ruth, 'The Brig O'Dee Affair, the Sixth Earl of Huntly and the Politics of the Counter-Reformation', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), pp. 93–109.
- Gray, Douglas, 'The Royal Entry in Sixteenth-Century Scotland', in Sally Mapstone and Juliette Wood (eds), *The Rose and the Thistle: Essays on the Culture of Late Medieval and Renaissance Scotland* (East Linton, 1998), pp. 10–37
- Greengrass, Mark, 'Mary, Dowager Queen of France', in Michael Lynch (ed.), *Mary Stewart: Queen in Three Kingdoms* (Oxford, 1988), pp. 171–94

- Groundwater, Anna, *The Scottish Middle March: Power, Kinship, Allegiance* (Woodbridge, 2010)
- Grummitt, D., 'Henry VII, Chamber Finance and the New Monarchy', *Historical Research* 72 (1999), pp. 229–43
- Guy, J. A., *Tudor England* (Oxford, 1990)
- Guy, J. A., *My Heart Is My Own: the Life of Mary, Queen of Scots* (London, 2004)
- Hannay, R. K., 'The Earl of Arran and Queen Mary', *SHR* 18 (1921), pp. 258–76
- Hannay, R. K., 'Some Papal Bulls among the Hamilton Papers', *SHR* 22 (1925), pp. 25–41
- Hannay, R. K., *The College of Justice: Essays on the Institution and Development of the Court of Session* (Edinburgh and Glasgow, 1933)
- Hannay, R. K., 'Early Records of the Council and Session', in Hector McKechnie (ed.), *An Introductory Survey of the Sources and Literature of Scots Law* (Edinburgh, 1936), pp. 16–24
- Hannay, R. K., 'Judicial Administration in Session and Judiciary', in Hector McKechnie (ed.), *An Introductory Survey of the Sources and Literature of Scots Law* (Edinburgh, 1936), pp. 396–411
- Harrison, John, *The History of the Monastery of the Holy-Rood and the Palace of Holyrood House* (Edinburgh, 1919)
- Harvey, N. L., *The Rose and the Thorn: the Lives of Mary and Margaret Tudor* (New York, 1975)
- Head, D. M., 'Henry VIII's Scottish Policy: a Reassessment', *SHR* 61 (1982), pp. 1–24
- Hewitt, G. R., *Scotland under Morton: 1572 – 1580* (Edinburgh, 1982)
- Hindle, Steve, *The State and Social Change in Early Modern England, c.1550–1640* (Basingstoke, 2000)
- Houlbrooke, Ralph Anthony, 'Henry VIII's Wills: a Comment', *Historical Journal* 37 (1994), pp. 891–99
- Houston, R. A., *The Population History of Britain and Ireland 1550–1750* (Basingstoke, 1992)
- Hoyle, Richard, and Ramsdale, J. B., 'The Royal Progress of 1541, the North of England, and Anglo-Scottish Relations, 1534–1542', *Northern History* 41 (2004), pp. 239–65
- Hutton, Ronald, *The Rise and Fall of Merry England: the Ritual Year 1400–1700* (Oxford, 1994)
- Hunt, Alice, *Drama of Coronation: Medieval Ceremony in Early Modern England* (Cambridge, 2009)
- Hunt, Alan, *Governance of the Consuming Passions: a History of Sumptuary Law* (Basingstoke, 1996)
- Hynd N., and G. Ewart, 'Aberdour Castle and Gardens', *Garden History* 11 (1983), pp. 93–111
- Irvine Smith, J., 'Criminal Procedure', in G. C. H. Panton (ed.), *An Introduction to Scottish Legal History* (Edinburgh, 1958), pp. 426–48
- Ives, E. W., 'Henry VIII's Will: the Protectorate Provisions of 1546–1547', *Historical Journal* 37 (1994), pp. 901–14
- Ives, E. W., 'Henry VIII's Will: a Forensic Conundrum', *Historical Journal* 35 (1992), pp. 779–804
- Jack, Sybil M., 'The "Debatable Lands", Terra Nullius, and Natural Law in the Sixteenth Century', *Northern History* 41 (2004), pp. 289–300.

- Jamieson, Fiona, 'The Royal Gardens of the Palace of Holyroodhouse, 1500–1603', *Garden History* 22 (1994), pp. 18–36
- Juan, Jordi Buyeru, *La Corona de Aragón de Carlos V a Felipe II: Las instrucciones a los virreyes bajo la regencia de la princesa Juana (1554–1559)* (Madrid, 2000)
- Juhala, Amy, 'An Advantageous Alliance: Edinburgh and the Court of James VI', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 337–63
- Kantorowicz, Ernst H., *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, 1957)
- Kellar, Clare, *Scotland, England, and the Reformation 1534–61* (Oxford, 2003)
- Kirk, James, 'The Influence of Calvinism on the Scottish Reformation', *Records of the Scottish Church History Society* 18 (1974) pp. 157–79
- Kirk, James, 'Royal and Lay Patronage in the Jacobean Kirk', in Norman MacDougall (ed.), *Church, Politics and Society: Scotland 1408–1929* (Edinburgh, 1983), pp. 127–50.
- Kisby, Fiona, 'Kingship and the Royal Itinerary: a Study of the Peripatetic Household of the Early Tudor Kings, 1485–1547', *The Court Historian* 4 (1999), pp. 29–39
- Knecht, Robert Jean, *The Rise and Fall of Renaissance France, 1483–1610* (London, 1996)
- Knecht, Robert Jean, *Catherine de'Medici* (London, 1998)
- Lang, Andrew, 'The Cardinal and the King's Will', *SHR* 3 (1906), pp. 410–22
- Laynesmith, Jane, *The Last Medieval Queens: English Queenship, 1445–1503* (Oxford, 2004)
- Lee, Maurice, *James Stewart, Earl of Moray: A Political Study of the Reformation in Scotland* (New York, 1953)
- Lee, Maurice, 'The Fall of the Regent Morton: A Problem in Satellite Diplomacy?', in Maurice Lee, *The 'Inevitable' Union and Other Essays on Early Modern Scotland* (East Linton, 2003), pp. 59–80
- Lee, Maurice, *The 'Inevitable' Union: and Other Essays on Early Modern Scotland* (East Linton, 2003)
- Lockhart, Paul Douglas, *Frederick II and the Protestant Cause: Denmark's Role in the Wars of Religion, 1555–1596* (Leiden, 2004)
- Lockhart, Paul Douglas, *Denmark, 1513–1660: The Rise and Decline of a Renaissance Monarchy* (Oxford, 2007)
- Loughlin, Mark, 'The Dialogue of the Twa Wyfeis: Maitland, Machiavelli and the Propaganda of the Scottish Civil War', in Alasdair A. MacDonald, Michael Lynch and Ian Cowan (eds), *The Renaissance in Scotland: Studies in Literature, Religion, History and Culture offered to John Durkan* (Leiden, 1994), pp. 226–45
- Lyall, R. J., 'Politics and Poetry in Fifteenth and Sixteenth Century Scotland', *Scottish Literary Journal* 3 (1976), pp. 5–29
- Lynch, Michael, 'Queen Mary's Triumph: the Baptismal Celebrations at Stirling in December 1566', *SHR* 69 (1990), pp. 1–21
- Lynch, Michael, 'The Reassertion of Princely Power in Scotland: the Reigns of Mary, Queen of Scots and King James VI', in Martin Gosman, Alasdair MacDonald and Arjo Vanderjagt (eds), *Princes and Princely Culture, 1450–1650*, 2 vols (Leiden, 2003), I, pp. 199–238

- MacDonald, A. A., 'The Chapel of Restalrig: Royal Folly or Venerable Shrine?', in L. A. J. R. Houwen, Alasdair A. MacDonald and Sally Mapstone (eds), *A Palace in the Wild: Essays on Vernacular Culture and Humanism in Late-Medieval Scotland* (Leuven, 2000), pp. 27–50
- MacDonald, Alasdair A., 'Princely Culture in Scotland under James III and James IV', in Martin Gosman, Alasdair MacDonald and Arjo Vanderjagt (eds), *Princes and Princely Culture 1450–1650*, 2 vols (Leiden, 2003), I, pp. 147–73
- MacDonald, Alasdair A., Michael Lynch and Ian B. Cowan (eds), *The Renaissance in Scotland: Studies in Literature, Religion, History and Culture offered to John Durkan* (Leiden, 1994)
- MacDonald, A. R., 'Mary Stewart's Entry to Edinburgh: an Ambiguous Triumph', *Innes Review* 42 (1991), pp. 101–10
- MacDonald, A. R., 'The Triumph of Protestantism: the Burgh Council of Edinburgh and the Entry of Mary, Queen of Scots, 2 September 1571', *Innes Review* 48 (1997) pp. 78–82
- Macdougall, Norman, *James III: a Political Study* (Edinburgh, 1982)
- Macdougall, Norman, *James IV* (2nd edition, East Linton, 1997)
- Macdougall, Norman, *An Antidote to the English: The Auld Alliance, 1295–1560* (East Linton, 2001)
- McElroy, Tricia, 'A "little parenthesis" to History : The Memoirs of Sir James Melville of Halhill', in Kevin J. McGinley and Nicola Royan (eds), *The Apparelling of Truth: Literature and Literary Culture in the Reign of James VI* (Newcastle, 2010), pp. 148–61.
- MacFarlane, L.J., 'The Book of Hours of James IV and Margaret Tudor', *Innes Review* 11 (1961), pp. 3–21
- McGladdery, Christine, *James II* (Edinburgh, 1990)
- McKean, Charles, 'The Scottish Renaissance Country Seat in Its Setting', *Garden History* 31 (2003), pp. 141–62
- MacMahon, Luke, 'Courtesy and Conflict: the Experience of English Diplomatic Personnel at the Court of Francis I', in David Grummitt (ed.), *The English Experience in France c.1450–1588: War, Diplomacy and Cultural Exchange* (Aldershot, 2002), pp. 182–99.
- Mackechnie, Aonghus, 'James VI's Architects and their Architecture', in Julian Goodare and Michael Lynch (eds), *The Reign of James VI* (East Linton, 2000), pp. 154–169
- Macmillan, Duncan, *Scottish Art 1460–1990* (Edinburgh, 1990)
- Mackenzie, W. Mackay, 'The Debatable Lands', *SHR* 30 (1951), pp. 109–25
- McIntyre, Margaret, 'Tudor Family Politics in Early Sixteenth-Century Scotland', in R. A. MacDonald (ed.), *History, Literature, and Music in Scotland 700–1560* (Toronto, 2002), pp. 187–207.
- McNeill, P. G. B., 'The Scottish Regency', *Juridical Review* 12 (1967), pp. 127–48
- McNeill, P. G. B., 'Discours Particulier D'Ecosse, 1559/60', in David Sellar (ed.), *Stair Society Miscellany II* (Edinburgh, 1984), pp. 86–131
- McNeill, P. G. B., '"Our Religion, established neither by Law nor Parliament": Was the Reformation Legislation of 1560 Valid?', *Records of the Scottish Church History Society* 35 (2005), pp. 68–89.
- McNeill, P. G. B., 'The Legitimacy of the Earl of Arran', in Hector MacQueen (ed.), *Stair Society Miscellany V* (Edinburgh, 2006), pp. 51–67

BIBLIOGRAPHY

- Madden, Craig, 'The Feuing of Ettrick Forest', *Innes Review* 27 (1976), pp. 70–84.
- Mann, A. J., 'House Rules: Parliamentary Procedure', in Keith Brown and Alan R. MacDonald (eds), *The History of the Scottish Parliament, 3. Parliament in Context, 1235–1707* (Edinburgh, 2010)
- Mann, Alistair J., *The Scottish Book Trade 1500–1720: Print Commerce and Print Control in Early Modern Scotland* (East Linton, 2000).
- Mapstone, Sally, and Juliette Wood (eds), *The Rose and the Thistle: Essays on the Culture of Late Medieval and Renaissance Scotland* (East Linton, 1998)
- Mariéjol, J. H., *Catherine de Médicis* (Paris, 1920)
- Marshall, R. K., *Mary of Guise* (London, 1977)
- Marshall, R. K., "'Hir Rob Ryall": the Costume of Mary of Guise', *Costume* 12 (1978), pp. 1–12
- Mason, Roger, 'Covenant and Commonweal: the Language of Politics in Reformation Scotland', in Norman Macdougall (ed.), *Church, Politics and Society: Scotland 1408–1929* (Edinburgh, 1983), pp. 97–126.
- Mason, Roger, 'Scotching the Brut: Politics, History and National Myth in Sixteenth-Century Britain', in Roger Mason (ed.), *Scotland and England 1286–1815* (Edinburgh, 1987), pp. 60–84
- Mason, Roger, 'The Reformation and the Origins of Anglo-British Imperialism', in Roger Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994), pp. 161–86
- Mason, Roger (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994)
- Mason, Roger, 'Usable Pasts: History and Identity in Reformation Scotland', *SHR* 76 (1997), pp. 54–68
- Mason, Roger, *Kingship and the Commonweal: Political Thought in Renaissance and Reformation Scotland* (East Linton, 1998)
- Mason, Roger, 'George Buchanan and Mary Queen of Scots', *Records of the Scottish Church History Society*, 30, (2000), pp. 1–27
- Mason, Roger, 'Laicisation and the Law: the Reception of Humanism in Renaissance Scotland', in L. A. J. R. Houwen, Alasdair A. MacDonald, and Sally Mapstone (eds), *A Palace in the Wild: Essays on Vernacular Culture and Humanism in Late-Medieval Scotland* (Leuven, 2000), pp. 27–60
- Mason, Roger, 'Civil Society and the Celts: Hector Boece, George Buchanan and the Ancient Scottish Past', in Edward Cowan and Richard Finlay (eds), *Scottish History: the Power of the Past* (Edinburgh, 2002), pp. 95–119
- Mason, R., 'George Buchanan's Vernacular Polemics, 1570–1572', *Innes Review* 54 (2003) pp. 47–68
- Mears, Natalie, 'Courts, Courtiers and Culture in Tudor England', *Historical Journal* 46 (2003), pp. 703–22
- Meikle, Maureen, *A British Frontier? Lairds and Gentlemen in the Eastern Borders, 1540–1603* (East Linton, 2004)
- Meikle, Maureen, 'Anna of Denmark's Coronation and Entry into Edinburgh, 1590: Cultural, Religious and Diplomatic Perspectives', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 277–94
- Merriman, Marcus, 'The Assured Scots: Scottish Collaborators with England during the Rough Wooing', *SHR* 47 (1968), pp. 10–34.

- Merriman, Marcus, 'James Henrisoun and "Great Britain": British Union and the Scottish Commonweal', in Roger Mason (ed.), *Scotland and England 1286–1815* (Edinburgh, 1987), pp. 60–84.
- Merriman, Marcus, *The Rough Wooings: Mary, Queen of Scots 1542–1551* (East Linton, 2000)
- Metcalf, D. M. (ed.), *Coinage in Medieval Scotland 1100–1600* (Oxford, 1977)
- Mill, A. J., *Mediaeval Plays in Scotland* (London, 1927)
- Murray, A. L., 'The Crown Lands in Galloway, 1455–1543', *Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society* 37 (1960), pp. 9–25
- Murray, A. L., 'The Procedure of the Scottish Exchequer in the early Sixteenth Century', *SHR* 40 (1961), pp. 89–117
- Murray, J., 'The Black Money of James III', in D. M. Metcalf (ed.), *Coinage in Medieval Scotland, 1100–1600: Second Symposium on Coinage and Monetary History* (Oxford, 1977), 115–30
- Murray, A. L., 'Huntly's Rebellion and the Administration of Justice in North-East Scotland, 1570–1573', *Northern Scotland* 4 (1981), pp. 1–6
- Murray, A. L., 'Financing the Royal Household: James V and his Comptrollers, 1513–43', in I. B. Cowan and D. Shaw (eds), *Renaissance and Reformation in Scotland: Essays in Honour of Gordon Donaldson* (Edinburgh, 1983), pp. 41–59
- Murray, A. L., 'Exchequer, Council and Session, 1513–1542', in Janet Hadley Williams (ed.), *Stewart Style, 1513–1542: Essays on the Court of James V* (East Linton, 1996), pp. 97–117
- Nicholls, K., *Gaelic and Gaelicised Ireland in the Middle Ages* (Dublin, 1972)
- Olivier-Martin, F., *Etudes sur les régences I. Les régences et la majorité des rois sous les Capétiens directs et les premiers Valois (1060–1375)* (Paris, 1931)
- Panton, G. C. H. (ed.), *An Introduction to Scottish Legal History* (Edinburgh, Stair Society, 1958)
- Patterson, Raymond Campbell, *My Wound is Deep: A History of the Later Anglo-Scots Wars 1380–1560* (Edinburgh, 1997)
- Penman, Michael, *David II, 1329–71* (East Linton, 2004)
- Pettegree, Andrew, 'A Provincial News Community in Sixteenth-Century Europe', in Judith Pollman and Andrew Spicer (eds), *Public Opinion and Changing Identities in the Early Modern Netherlands* (Leiden, 2007), pp. 33–48
- Perry, Maria, *Sisters to the King: the Tumultuous Lives of Henry VIII's Sisters – Margaret of Scotland and Mary of France* (London, 1998)
- Pinkerton, John, *History of Scotland from the Accession of the House of Stuart to that of Mary*, 2 vols (London, 1797)
- Pocock, J. G. A., 'Two Kingdoms and Three Histories? Political Thought in British Contexts', in Roger Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994)
- Pogson, Rex, 'God's Law and Man's: Stephen Gardiner and the Problem of Loyalty', in Claire Cross, David Loades and J. J. Scarisbrick (eds), *Law and Governance under the Tudors* (Cambridge, 1988), pp. 67–89.
- Pollitt, Ronald, 'The Defeat of the Northern Rebellion and the Shaping of Anglo-Scottish Relations', *SHR* 64 (1985), pp. 1–21
- Pollman, Judith, and Andrew Spicer (eds), *Public Opinion and Changing Identities in the Early Modern Netherlands* (Leiden, 2007)

- Porter, James, "Blessed spirits, sing with me!": Psalm-singing in Context and Practice', in James Porter (ed.), *Defining Strains: the Musical Life of the Scots in the Seventeenth Century* (Oxford, 2007), pp. 299–322
- Potter, David, 'Mid-Tudor Foreign Policy and Diplomacy: 1547–63', in Susan Doran and Glenn Richardson (eds), *Tudor England and Its Neighbours* (Basingstoke, 2005), pp. 106–38
- Questier, Michael, 'Loyal to a Fault: Viscount Montague Explains Himself', *Historical Research* 77 (2004), pp. 225–53
- Ramsey, Ann W., 'The Meaning of Henri IV's 1594 Parisian Entry', in Nicholas Russel and Hélène Visentin (eds), *French Ceremonial Entries in the Sixteenth Century: Event, Image, Text* (Toronto, 2007), pp. 189–206
- Reid, Kenneth, and Reinhard Zimmermann (eds), *A History of Private Law in Scotland* (2 vols, Oxford, 2000)
- Reid, Norman, 'The Kingless Kingdom: the Scottish Guardianships of 1286–1306', *SHR* 61 (1982), pp. 105–29
- Reid, W. S., 'The Place of Denmark in Scottish Foreign Policy, 1470–1540', *Juridical Review* 58 (1946), pp. 183–200
- Reid-Baxter, Jamie, "'Judge and revenge my cause": the Earl of Morton, Andro Blackhall, Robert Sempill and the Fall of the House of Hamilton in 1579', in Sally Mapstone (ed.), *Older Scots Literature* (Edinburgh, 2005), pp. 467–92
- Richardson, J. S., 'Sixteenth and Seventeenth Century Mural Decorations at the House of Kinneil, Bo'ness, West Lothian', *Proceedings of the Society of Antiquaries of Scotland* 75 (1941 for 1940–1), pp. 184–204
- Rinaldi, Rinaldo, 'The Po Valley Courts', in Martin Gosman, Alasdair MacDonald and Arno Vanderjagt (eds), *Princes and Princely Culture 1450–1650* (2 vols, Leiden, 2005), II, pp. 27–38
- Ritchie, Pamela, *Mary of Guise in Scotland 1548–1560: a Political Career* (East Linton, 2002)
- Ritchie, Pamela, 'Marie de Guise and the Three Estates, 1554–1559', in Keith M. Brown et al. (eds), *The History of the Scottish Parliament, 1. Parliament and Politics in Scotland, 1235–1560* (Edinburgh, 2004), pp. 179–202
- Robinson, Jon, *Court Politics, Culture and Literature in Scotland and England, 1500–1540* (Aldershot, 2008)
- Roskell, J. S., 'The Office and Dignity of Protector of England, with Special Reference to Its Origins', *English Historical Review* 68 (1953), pp. 193–233
- Ross, W., *Aberdour and Inchcolme; Being Historical Notices of the Parish and Monastery in Twelve Lectures* (Edinburgh, 1885)
- Roughol, D., 'Les régences en Écosse sous les Stuarts', *Revue historique de droit français et étranger* 46 (1968), pp. 467–79
- Rush, Sally, 'French Fashion in Sixteenth-Century Scotland: the 1539 Inventory of James V's Wardrobe', *Furniture History* 42 (2006), pp. 1–25
- Russel, Nicholas, and Hélène Visentin (eds), *French Ceremonial Entries in the Sixteenth Century: Event, Image, Text* (Toronto, 2007)
- Ryrie, Alec, 'Reform without Frontiers in the Last Years of Catholic Scotland', *English Historical Review* 119 (2004), pp. 27–56
- Ryrie, Alec, *The Origins of the Scottish Reformation* (Manchester, 2006)
- Sanderson, Margaret, *Mary Stewart's People: Life in Mary Stewart's Scotland* (Edinburgh, 1987)

- Sanderson, Margaret, *Cardinal of Scotland: David Beaton c.1494–1546* (revised edn, Edinburgh, 2001)
- Scott, C., 'The Archives of the High Court of Justiciary, 1', *Juridical Review* 3 (1891), pp. 197–212
- Scott, C., 'The Archives of the High Court of Justiciary, 2', *Juridical Review* 4 (1892), pp. 32–43
- Scott, C., 'The Archives of the High Court of Justiciary, 3', *Juridical Review* 4 (1892), pp. 105–20
- Scott, C., 'The Archives of the High Court of Justiciary, 4', *Juridical Review* 4 (1892), pp. 293–300
- Sharpe, Kevin, *Selling the Tudor Monarchy: Authority and Image in Sixteenth-Century England* (London, 2009)
- Shaw, Frances, 'Sumptuary Law in Scotland', *Juridical Review* 24 (1979), pp. 81–115.
- Shire, H. M., 'The King in his House: Three Architectural Artifacts belonging to the Reign of James V', in Janet Hadley Williams (ed.) *Stewart Style: Essays on the Court of James V* (East Linton, 1996), pp. 62–96
- Smout, T. C., *A History of the Scottish People, 1560–1830* (London, 1998)
- Solnon, J. F., *Catherine de Médicis* (Paris, 2003)
- Somerset, A., *Unnatural Murder: Poison at the Court of James I* (London, 1997)
- Staniland, Kay, 'Royal Entry into the World', in Daniel Williams (ed.), *England in the Fifteenth Century: Proceedings of the 1986 Harlaxton Symposium* (Woodbridge, 1987), pp. 297–313
- Stein, P., *Roman Law in European History* (Cambridge, 1999)
- Stevenson, J. R. H., 'The Prince of Scotland', *SHR* 22 (1925), pp. 81–94
- Stevenson, Katie, 'The Unicorn, St Andrew and the Thistle: Was there an Order of Chivalry in Late Medieval Scotland?' *SHR* 83 (2004), pp. 3–22.
- Stevenson, R. B. K., 'The Bawbee Issues of James V and Mary', *British Numismatic Journal* 59 (1989), pp. 30–1.
- Stewart, Alasdair M., 'The Final Folios of Adam Abell's "Riot or Quheill of Tyme": an Observantine Friar's Reflections on the 1520s and 30s', in Janet Hadley Williams (ed.), *Stewart Style, 1513–1542: Essays on the Court of James V* (East Linton, 1996), pp. 227–53.
- Stewart, Ian *The Scottish Coinage* (London, 1955)
- Strong, Roy, *The English Icon: Elizabethan and Jacobean Portraiture* (London, 1969)
- Stuart, Marie W., *The Scot who was a Frenchman: being the Life of John Stewart, Duke of Albany in Scotland, France and Italy* (London, 1940)
- Thomas, Andrea, 'Princelie Majestie': *the Court of James V of Scotland 1528–42* (Edinburgh, 2005)
- Thomas, Andrea, 'Crown Imperial: Coronation Ritual and Regalia in the Reign of James V', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008) pp. 43–67
- Toynbee, M. R., 'John Stewart, Duke of Albany, and Vic-le-Comte', *The Stewarts* 8 (1948), pp. 149–155
- Tudor-Craig, Pamela, 'Margaret, Queen of Scotland, in Grantham, 8–9 July 1503', in Benjamin Thompson (ed.), *The Reign of Henry VII: The Proceedings of the 1993 Harlaxton Symposium* (Stamford, 1995), pp. 261–79
- Van Heijnsbergen, Theo, 'Advice to a Princess: The Literary Articulation of a Religious, Political and Cultural Programme for Mary Queen of Scots,

BIBLIOGRAPHY

- 1562', in Julian Goodare and Alasdair A. MacDonald (eds), *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch* (Leiden, 2008), pp. 99–122
- Walker, David M., *A Legal History of Scotland* (7 vols, Edinburgh, 1995)
- Wanegffelen, Thierry, *Catherine de Médicis: Le pouvoir au féminin* (Paris, 2005)
- Wasser, Michael B., 'Defence Counsel in Early Modern Scotland: A Study Based on the High Court of Justiciary', *Journal of Legal History* 26 (2005), pp. 183–201
- Wasser, Michael, 'Scotland's First Witch-Hunt: The Eastern Witch-Hunt of 1568–1569', in Julian Goodare (ed.), *Scottish Witches and Witch-Hunters* (Basingstoke, 2013), pp. 17–33.
- Watt, D. E. R., and N. F. Shead, *The Heads of Religious Houses in Scotland from Twelfth to Sixteenth Centuries* (Edinburgh, 2001)
- Watts, John, *Henry VI and the Politics of Kingship* (Cambridge, 1996)
- Webster, Bruce, 'Scotland without a King, 1329–1341', in Alexander Grant and Keith J. Stringer (eds), *Medieval Scotland: Crown, Lordship and Community: essays presented to G. W. S. Barrow* (Edinburgh, 1993), pp. 223–39
- White, Allan, 'The Regent Morton's Visitation: the Reformation of Aberdeen, 1574', in Alasdair A. MacDonald, Michael Lynch and Ian B. Cowan (eds), *The Renaissance in Scotland: Studies in Literature, Religion, History and Culture offered to John Durkan* (Leiden, 1994), pp. 246–63
- Whyte, I., 'Population Mobility in Early Modern Scotland', in I. Whyte and R. A. Houston (eds), *Scottish Society 1500–1800* (Cambridge, 1989), pp. 37–59
- Whyte, I. and R. A. Houston (eds), *Scottish society 1500–1800* (Cambridge, 1989)
- Wormald, Jenny, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past and Present* 87 (1980), pp. 54–97
- Wormald, Jenny, *Court, Kirk, and Community: Scotland, 1470–1625* (Edinburgh, 1981)
- Wormald, Jenny, *Lords and Men in Scotland: Bonds of Manrent 1442–1603* (Edinburgh, 1985)
- Wormald, Jenny, 'Taming the Magnates?', in K. J. Stringer (ed.), *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), pp. 270–80
- Wormald, Jenny, *Mary, Queen of Scots: a Study in Failure* (London, 1988)
- Young, Alan, 'The Political Role of Walter Comyn, Earl of Menteith, during the Minority of Alexander III of Scotland', *SHR* 57 (1978), pp. 121–42

Unpublished Works

- Boardman, Stephen I., 'Politics and the Feud in Late Medieval Scotland' (Ph.D. thesis, University of St Andrews, 1989)
- Emond, W. K., 'The Minority of King James V 1513–1528' (Ph.D. thesis, University of St Andrews, 1988)
- Loughlin, Mark, 'The Career of Maitland of Lethington, c.1526–73' (Ph.D. thesis, University of Edinburgh, 1991)
- Macauley, Sarah, 'Matthew Stewart, Fourth Earl of Lennox and the Politics of Britain, c.1543–1571' (Ph.D. thesis, University of Cambridge, 2006)
- McQuaid, John, 'Musicians of the Scottish Reformation, with special reference to Crown policy c. 1560–1650' (Ph.D. thesis, University of Edinburgh, 1949)
- Murray, A. L., 'The Comptroller, 1425–1610' (David Berry Prize, 1970), NRS ref no: G.A. 355.93

Webb, Claire L., 'The "Gude Regent"? A Diplomatic Perspective upon the Earl of Moray, Mary, Queen of Scots and the Scottish Regency 1567–1570' (Ph.D. thesis, University of St Andrews, 2008)

Websites

Goodare, Julian, Lauren Martin, Joyce Miller and Louise Yeoman, 'The Survey of Scottish Witchcraft', <http://www.arts.ed.ac.uk/witches/> (archived January 2003, accessed 26 June 2014)

The Oxford Dictionary of National Biography, <http://www.oxforddnb.com/> (accessed 26 June 2014)

Index

- Abel, Adam, Observantine Franciscan Friar 1, 41–2, 158–9
- Aberdeen
bailies/provost of 116, 179
ayres visit 138, 174–5, 176 note a, 182, 200, 253, 256–62
- Alba, third duke of, Fernando Álvarez de Toledo 46
- Ambassadors, English 62, 156
see also *Bowes, Robert*; *Killigrew, Henry*; *Randolph, Thomas*; *Throckmorton, Nicholas*; *Sadler, Ralph*
- Ambassadors, French 25
see also *Du Val, Jacques, Sieur de Mondreville*; *De Laval, Claude, of Boysdauphin*; *De Lignerolles*; *Noailles, Gilbert*
- Ancrum Moor, Battle of 79
- Arbitration 165
- Assured lords 103, 210
- Assythement 163, 165
- Ayres, see *Justice Ayres*
- Argyll, earls of, as Justice Depute 174
see also *Campbell*
- Balnaves, Henry 37 n.90, 71
- Beaton, David, Cardinal, Archbishop of St Andrews 7–8, 46, 48, 76, 78, 139, 163, 222
- Beaton, James, Archbishop of Glasgow 164
- Bellenden, John, justice clerk 163–4, 200
- Bloodfeud see *feud*
- Bothwell, earls of see *Hepburn*
- Bothwell, Adam, Bishop of Orkney 62
- Border, Anglo-Scottish 10, 17, 31, 34, 104, 106, 142–3, 152, 168, 180–1, 196, 198–201, 205, 230
- Bowes, Robert, English ambassador 230
- Buchanan, George 12, 22, 36–43, 44, 49, 50, 60, 151–2, 157, 234
- Campbell, Archibald, 4th earl of Argyll 46, 76, 131, 169–70, 175
- Campbell, Archibald, 5th earl of Argyll 51, 65, 66, 129, 229
- Campbell, Colin, 6th earl of Argyll 84
- Cardinal-Protector 22–3
- Castillians see *Queen's Party*
- Casualty (feudal casualties) 91, 125
- Catherine de Medici, Queen and Regent of France 29, 133, 207, 213, 220
- Cecil, William, lord Burghley 18, 40, 49, 180, 193, 214, 216–7, 227
- Charles V, Holy Roman Emperor 29, 46, 197, 205
- Christian II, King of Denmark-Norway 165
- Christian III, King of Denmark-Norway 201–2, 204
- Civil War see *Marian Civil War*
- Clement VII, Pope 207
- Cleutin, Henri, Sieur d'Oysel 23, 60, 94
- Cockburn, Ninian, spy and captain in the Guard Ecosaise 226
- Coinage
Debasement 98, 103, 124
Design 77, 152–4, 156, 235
Profits 91, 100, 103, 107, 124, 240, 244
Forging 182
- Collector of the Thirds of Benefices 92, 97, 112, 119–23, 125, 179, 238, 251–2
- Commissary Court 170–1
- Comptroller 91–4, 96–7, 103, 112–20, 122–4, 245–50
- Conjunct fee 93–5, 116
- Convention of Estates see *Parliament*
- Coronation 55–6, 62–3, 127, 212, 215, 219, 222
Regents did not have 58–61
- Council 37, 139, 152
during absence of regent or monarch from polity 23–4, 45–6, 153, 180, 204
French, 'Princes of the Blood' 45
Great Council 26, 79
relations with regents 33, 54–5, 68–71, 74–6, 125, 132, 232, 235–7
temporary pending the appointment of a regent 46–7, 195
see also *Regency, Council of, Lords of Council and Session and Privy Council*
- Counsel
comparability between regents and monarchs 4, 27, 67–8, 194

- Counsel (*continued*)
 securing adequate levels of 71, 78, 132, 156, 237
 requirement to take increasingly formalised 63, 234
 Scots offer to Henri II as Protector 197–8
- Court, ecclesiastical 169, 186
 see also *Commissary Court*
- Cranmer, Thomas, Archbishop of Canterbury 61
- Credit 98–9, 228
- Cunningham, Alexander, fourth earl of Glencairn 51, 66–7, 213
- Cunningham, Cuthbert, second earl of Glencairn 33, 169
- Cunningham, William, third earl of Glencairn 166
- D'Arcy, Antoine, Sieur de la Bastie 23, 31, 165, 180, 181
- D'Auvergne, Gaspard, translator 68
- D'Oysel, see, *Cleutin, Henri*
- Du Val, Jacques, Sieur de Mondreville 220–1
- De la Tour, Anne, countess of Albany 149, 155–6
- De Laval, Claude, of Boysdauphin, French ambassador to England 199–201
- De Lignerolles, French ambassador to Scotland 213
- Darnley, see *Stewart, Henry*
- Davidson, John author of *Ane Dialogue or Mutuall Talking* 174
- Debasement, see *coinage, debasement of*
- Debateable Lands 198–205
- Denmark-Norway 13, 45, 77, 162, 165, 195, 214–6
 negotiations with Scotland on Orkney 201–4
 Monarchs of see *Christian II, Christian III, Frederick I, Frederick II*
- Douglas, Archibald, sixth earl of Angus, second husband of Margaret Tudor 4, 32, 93, 131, 172, 178
 Relations with Albany 58, 207
 Relations with Arran/Châtellherault 14, 76–9, 86
 Relations with Henry VIII 207, 225
- Douglas, Archibald, eighth earl of Angus 229
- Douglas, Elizabeth, countess of Morton 149
- Douglas, Sir George, father of Regent Morton 77–8, 143, 172
- Douglas, James, earl of Morton and regent
 anxiety about death of 50–1
 appointment to regency 50, 62, 65–7
 assassination attempts 162, 164
 court of 133–4, 156–7, 235
 cultural activities 133, 151, 155
 design of coinage 154, 235
 familial relations 44
 historiographical reputation 11, 14, 89, 154, 167, 192, 238
 itinerary as regent 138, 142, 147–8, 150
 judicial activities 159–63, 171–2, 174, 176–7, 180–2, 186–9, 191–2, 262
 loss of regency and aftermath of 73–4, 80, 83, 87–88, 220, 230, 238–9
 prior to regency 61–2, 168, 226–7, 229
 privy council of 71
 relations with England 218–9, 227, 229
 relations with France 220–1
 requests loans from Edinburgh 136
 style as regent 57, 220–1
 suggestion to combine household with that of James VI 43
 taxation 92, 106
 use of crown land and finances 86, 89–90, 96–7, 98 Fig. 1, 99–100, 102, 107, 109, 110–11, 113 Fig. 2, 115 Fig. 3, 119 Fig. 4, 120–2, 125–6, 131–2, 156, 167
 wife, see *Douglas, Elizabeth*
- Douglas, Margaret, countess of Arran duchess of Châtellherault 141, 149
- Douglas, Margaret, countess of Lennox 32, 248, 149
- Drury, William, Marshal of Berwick 10, 66, 189, 217, 220, 227
- Du Croc, Philibert, French ambassador 212, 219–20
- Du Tillet, Jean, French author 29
- Dumbarton 81, 178–9, 255
- Edinburgh
 Arran's townhouse in 127
 Castle of 43, 77, 81, 102, 109, 141–2, 189, 219
 credit market in 99
 council of 133
 during Marian Civil War 147, 154, 163, 189, 219
 governmental activities in 62, 161, 163, 177–8, 182–4, 188, 192, 199
 monarchs'/regents' visits increase over time 139, 141–3, 148, 150, 157, 192
 relationship with regents/monarchs 134–6, 138
- Edward VI, King of England 59, 61, 129, 210, 231
- Elizabeth I, Queen of England
 Claims regents not equal to monarchs 194, 232
 Comments on royal minority 4, 161, 168
 Intervention in Scotland 10, 35, 39, 215–19, 221, 231–2
 And James VI 83, 215–19, 222
 And Mary, Queen of Scots 17, 212, 215–19
 And Northern Rebellion 152, 181, 214
 And pensions 226–30
- Elphinstone, William, Bishop of Aberdeen 25

- England,
 captures James I 52, 84
 French ambassadors in 81, 219
 informants in Scotland 66, 163
 involvement in selection of regents for
 Scotland 218–9
 judicial practice of 185, 191
 military aid for King's party 219
 Monarchs of see *Henry VII*, *Henry VIII*,
 Edward VI, *Mary I*, *Elizabeth I*
 monarchy in 55, 59, 61, 121, 121 n.129, 129,
 137, 139 150, 152
 pensions/financial support for Scots 95, 219,
 222–5, 227, 229–30
 pretensions to suzerainty over Scotland 23,
 25, 32, 194, 205–11, 221, 231
 Protectors/Regents of 22, 29, 46–7, 57
 protestant unity with Scotland 133
 relations with Albany 33–4, 156, 196,
 205–6, 208, 223–4
 relations with Arran/Châtellherault 6–7, 35,
 76, 195, 211, 237
 relations with France 206, 221
 relations with James V 193 208–9
 relations with James VI 95, 193, 222, 231,
 232
 relations with Lennox 10, 32, 64, 148–9,
 168, 211, 217
 relations with Mar 10–11, 218
 relations with Marie de Guise 77, 194, 202,
 232
 relations with Mary, Queen of Scots 10 17,
 23, 38, 193, 231, 232
 relations with Moray 10, 45, 212, 214
 relations with Morton 11, 39, 218
 Scots commissioners/ambassadors travelling
 to 75, 101
 war with Scotland 23, 76, 99, 101, 109,
 141, 166, 177, 192, 196, 199, 202, 210,
 223–4
 York–Westminster conference 18, 38–9
 See also: *ambassadors*, *English*, *Anglo-Scottish*
 border, *debatable lands*, *Northern Rising*,
 suzerainty
- Erskine, Alexander, Master of Mar 43
 Erskine, John, earl of Mar and regent 10–11,
 86, 122–3, 147–8, 151, 227–9, 239
 Appointment to regency 42–3, 49, 50, 64–6,
 217–18, 234
 Finances as regent 98 Fig. 1, 102 Tab 1, 104,
 106, 110 Tab 2a, 111 Tab 2b, 113 Fig. 2,
 115 Fig. 3, 119 Fig. 4
 Judicial activity 168, 177 Tab 10, 187 Fig. 5,
 189
 Keeper of James VI 43, 234
 'Sale' of Thomas Percy, earl of
 Northumberland 11
 Style as regent 57, 219–20
 Wife see *Murray*, *Annabelle*
- Erskine, John, of Dun, superintendent of Angus
 and Mearns 61–2
 Estates see *Parliament*
 Ettrick Forest 93, 119
 Exchequer 77, 91, 99, 105, 113–14, 119, 120,
 124, 183, 245–6
- Feud 159, 165, 169–70, 172, 191
 Flemming, Malcolm, third lord Flemming 25
 Flodden, Battle of 23, 177
- France
 and Albany 4, 23, 25–6, 115–16, 137–8,
 145, 149, 153, 155–6, 164 n.30, 168–9,
 178, 180, 194, 196, 206, 207, 209,
 223–4
 and Arran/Châtellherault 7, 40, 57, 80, 81–3,
 127, 131, 196–201
 and Denmark–Norway 204 n. 69
 dislike of French in Scotland 81
 and England 46, 80, 194, 196, 199–201,
 207–8, 220
 financial support for Scots 94, 95, 203,
 222–7, 229–30
 and James V 33, 193, 208, 225
 joint military action with Scotland against
 England 25
 and Lennox 48, 168
 and Mar 219–2
 and Margaret Tudor 25–7, 225
 and Marian Civil War 52–3, 219–221, 222,
 227, 229–30, 236
 and Marie de Guise 8, 60, 80, 81–3, 94–5,
 118, 145, 168, 199–201
 and Mary, Queen of Scots 34, 81–3, 90, 95,
 124, 140, 154, 193, 194, 196, 212, 226,
 239
 Monarchs of – see *François I*, *François I*,
 Henri II, *Louis XII*
 monarchy in 29, 45, 52, 55, 81–3, 137
 and Moray 66, 213–15, 219
 and Morton 220, 229
 protectorate of Scotland 194, 196–205, 222,
 231
 regency in 29, 33, 45, 52, 81–4
 Scots ambassadors to 26, 206
 Scots lawyers train in 55 n.6
 under stress after Pavia 209
 see also – *ambassadors*, *French*
François I of France 85, 209, 224
François II Dauphin and King of France,
 consort of Mary, Queen of Scots 135,
 153, 196, 223, 231
 Frederick I of Denmark–Norway 204
 Frederick II of Denmark–Norway 195, 215–6
- General Assembly 64
 Glencairn, earls of, see *Cunningham*
 Gifts 7, 12, 14, 16, 84, 85, 88, 121, 125, 134,
 136, 156, 175, 213, 223, 225, 227–9

- Gordon, Alexander, Master of Huntly 127–8
 Gordon, Alexander, younger brother of fourth earl 197
 Gordon, George, fourth earl of Huntly, Chancellor 46, 48, 51, 77, 127–8, 174–5, 179, 182, 229, 237
 Governor, 22–3 see also *regency*
 Great Council see *Council*
 Guise, House of 133, 212–13
- Hamilton, Barbara, eldest daughter of Châtelherault 127–8, 175
 Hamilton, James, first earl of Arran *d.* 1529 25–6, 31, 58, 72, 153, 164, 181, 225
 Hamilton, James, second earl of Arran, duke of Châtelherault, Regent *d.* 1575 3–4, 12, 20, 22–3, 57, 61, 68, 73, 86, 153, 233, 235, 238
 appointment to regency 36, 46–8, 56
 challenges to his legitimacy/power 31–2, 44, 75–9, 205, 211
 Contemporary criticism of 35, 39, 237
 Council for 69–71
 Court of 127–8, 130–2, 134–5, 138–43, 145, 148, 151, 156
 Diplomacy of 195–205, 210, 231
 Following regency 40, 73, 79, 155, 164, 195
 Finances 89–91, 92, 94, 97, 98, 100–4, 106–9, 110 Tab. 2a, 111 Tab. 2b., 113 Fig. 2, 114, 115 Fig. 3, 117–8, 123–6
 Historiographical reputation and reassessment of 6–7, 14, 89, 236–7
 Judicial activity of 162–3, 166–7, 168–70, 174–5, 176 Tab. 9, 177, 181, 186, 189, 192, 194, 260–1
 Loss of the regency 15, 59–61, 65, 73, 80–3, 88, 238–9
 Wife, see *Douglas, Margaret*
 Hamilton, James, third earl of Arran 79
 Hamilton, John, abbot of Paisley, Archbishop of St Andrews, Treasurer 8, 102, 103 n. 62, 145, 147
 Henri II King of France 23, 73, 80–3, 94, 194, 196–205, 221–2, 230–1
 Henri III King of France 221
 Henry VI King of England 46
 Henry VII King of England 124 n. 40, 125, 139
 Henry VIII King of England 139, 150, 221, 225, 231, 236
 absence abroad 46
 interference in Scotland on dubious legal grounds 22–3, 27, 34, 73, 77, 194–5, 205–11
 obtains promises of loyalty from Scots 43, 213
 religion of 7
 rejection of will of by English council 47
 spurious claims to regency in Scotland 36, 208–9
 Hepburn, James, fourth earl of Bothwell, consort of Mary, Queen of Scots 215–6
 Hepburn, Patrick, third earl of Bothwell 77–9, 130
 Highlands 70, 148, 176 table 9, 179, 180
 Hume, family of 163, 164 n. 30, 180–1
 Holyrood, Palace of 135–6, 141–3, 148, 150
 Honours of Scotland 56, 58, 60–1
 Household, regents/royal see *court*
 Howard, Thomas, duke of Norfolk 38–9
 Huntly, earls of, see *Gordon*
 Hunsdon, Henry Carey, first baron 180, 219, 226
- James I 52, 84
 James II 2, 29, 74, 164
 James III 137, 160, 165, 166, 173, 198, 201, 231
 James IV 23, 85, 115, 124, 137, 142–3, 165–6, 173, 177–9, 192, 205, 236, 255
 Aftermath of death and testament of 24–6, 28, 30, 38, 100–1, 206, 209
 ayres of 176 Tab. 9, 177 Tab. 11, 257–8
 James V
 aftermath of death of 130, 138, 192, 195
 assumption of power 73–5, 83, 208–9
 comment on minority of 1–2, 5–6
 concerns for safety as a child 33–4, 91, 193, 208
 coronation of 56, 61
 dogs of 107
 finances 97–8, 101–3, 110 Tab. 2a, 111 Tab. 2b, 113 Fig. 2, 114, 115 Fig. 3, 116–8, 124–5
 governmental provisions in absence 35–6, 188
 Household Stuff of 152
 Judicial activities of 187 Fig. 5, 176 Tab. 9, 177 Tab. 10, 259–60
 minority of 3–4, 109, 116, 137, 154, 206–7, 225 see also *Margaret Tudor* and *Stewart, John, duke of Albany*
 personal rule 71, 101–3, 127, 139, 142–3, 145, 151, 172–3, 177, 179, 181, 186, 190
 provisions for minority of Mary 24, 46
 revocation 84–5
 testament of 1540 47–8
 James VI
 assumption of power 73–4, 79–80
 comments on King's Two Bodies 82
 concerns for his safety in childhood 35, 193, 220
 coronation 61–2, 212, 219

- governmental provisions in absence 45
 minority of 1, 4, 9–10, 83, 109, 121–3, 124,
 148, 150–1, 154, 217
 personal rule of 71, 83, 95, 109, 134, 136,
 142, 150–1, 180, 228
 revocation 85–7
 Jewels 90
 Joan Beaufort, Queen of Scots 29
 Julius III, Pope 193, 198
 Justiciary Court 13, 91, 159, 170, 172–4, 178,
 180, 182, 183–192, 234, 253–4
 Justice Ayres 13, 142, 160, 163, 166, 168,
 172–84, 192, 234–8, 240, 253–262
 Financial benefits of 91, 96, 100, 103, 105,
 107, 112, 124
 Regent or monarch personally attends 148,
 172–5, 200
 Relationship to Justiciary Court 186–7,
 189–90
 Keith, Annas, countess of Moray (later countess
 of Argyll) 90, 133, 149, 155, 228
 Kennedy, Gilbert, third earl of Cassillis 8, 106,
 200
 Kenneth II 40–2
 confusion with Kenneth III 38, 40
 Kenneth III 39–42
 confusion with Kenneth II 38, 40
 Killigrew, Sir Henry, English ambassador 43,
 50–1, 133, 218, 220, 227, 229
 King's Party
 foreign relations of 213, 218–20, 227, 229
 propaganda of 135, 157, 167
 understanding of regency 18–19, 24, 34–5,
 37, 39–42, 44, 49–53, 74, 234
 See also: *Marian Civil War*
 Kirk 62–4, 92, 112, 121–2, 169, 174, 182, 213,
 215
 Kirkcaldy, James, Treasurer of James V 97,
 102–3
 Kirkcaldy, Sir William, of Grange 52, 229
 Knox, John 13, 59
 Lauder, William 127, 131, 134–5
 Compendious and Bref Tractate 67
 Leith conference 120–1
 Lekpreuik, Robert, printer 174
 Leo X, Pope 27, 28, 194, 206
 Lesley, John, Bishop of Ross 2, 63, 196
 Lords of the Congregation 79, 195, 216
 Lords of Council and Session 15, 25, 26,
 28–30, 31, 56, 58, 69, 71–2, 74–5, 88,
 163, 169, 198
 See also: *Council, Privy Council, Session*
 Louis XII, King of France 25–7
 Louise of Savoy, Queen Regent of France 46,
 53 n.163, 206, 209
 Lyndsay, David 68, 203
 Satire of Three Estates 134
 Macgill, James 37 n.90, 163–4
 Machiavelli, Niccollo, reception in
 Scotland 167–8
 Maitland, William, of Lethington 9, 52, 65,
 213, 222, 229
 Majority, age of 74–5, 79–82
 see also *royal age of majority*
 Margaret of Denmark, Queen of James III 201
 Margaret Tudor, Queen of Scots,
 Regent 12–13, 22, 155, 225, 238
 Challenges Albany 84, 127, 206, 208
 Challenges to her position as regent 27–8,
 205
 At coronation of James V 61
 Council and counsel for 69, 71–3, 88, 132
 Gains regency 20, 24–6, 38
 Jointure and Finances 93–4, 98 Fig. 1, 102
 Tab.1, 110 Tab. 2a, 111 Tab. 2b, 113
 Fig. 2, 115–6, 119
 Judicial activity 168–9
 Loss of regency 20, 73, 238
 Queen Consort 115, 137, 138
 Queen Dowager/Mother 28–9, 57, 93, 106
 Reputation of 3–6
 Second husband see *Douglas, Archibald, earl
 of Angus*
 Marian Civil War 147, 156, 219, 220–1
 Aftermath of 136, 138 150, 154, 172, 229
 Financial impact of 97, 99, 105–7, 109, 120,
 124
 Judicial activity during 167, 177, 181, 186,
 189
 Prompt to development in understandings of
 regency 35, 51, 64
 Marie de Guise, Queen and Regent,
 aftermath of death in office 4, 188, 195, 216,
 239
 birth family of 133, 141, 212–13
 challenges to 79, 88
 commissions *La Discours Particulier
 d'Escosse* 163–4
 council of 71
 counsel for 57, 135
 finances of 90, 92, 98 Fig. 1, 101–2, 106–7,
 110–1, 112, 113 Fig. 2, 115 Fig. 3,
 118–9, 123, 236
 governmental activity as regent 84–5, 145,
 153, 235
 historiographical assessment 7–9, 236
 inauguration 56, 59–61
 jointure
 French 90 95
 Scottish 93–4, 114, 116, 118–9, 140, 204,
 223
 judicial activity of 170, 176 tab 9, 177 tab
 10, 181, 186, 187 tab 11, 259–70
 obtaining regency 15, 73, 75–9, 81 83, 237
 Queen Consort of James V 117, 127, 138,
 145

- Marie de Guise, Queen and Regent (*continued*)
 Queen Dowager prior to regency 71, 73,
 94–5, 129–30, 168, 175, 198–202, 237
 regent for absentee monarch with limited
 powers 12, 23–4, 45, 124, 194–5 231–2
 relations with Edinburgh 134–5
 relations with Henri II 204
 and Skerthursday 138
 statute passed against slandering her 80–1,
 134
 style 57
 travel in Scotland 143, 145
 Marie of Guise's House, Edinburgh 142
 Mary I of England 195
 Mary of Austria, Regent in Netherlands 46
 Mary of Gueldres, Queen of Scots 29
 Mary, Queen of Scots
 captivity of 64, 193–4
 coronation of 56, 61
 delegates power to mother 23, 80–4, 88,
 237
 deposition & aftermath of 9, 12, 14, 19,
 21–2, 24, 37, 48, 51, 61, 65, 73–4, 123,
 178, 188, 192, 212–3, 215–6, 219, 232,
 233–4
 diplomacy during minority of 210–11, 222,
 232
 domestic government during minority of 46,
 54, 98–100, 116, 122, 178, 194–5, 203,
 235
 early life 35, 90, 118, 135, 154, 156–7, 161,
 163, 193, 196
 finances of 89, 94–5, 98 Fig. 1, 101, 102 Tab.
 1, 105–6, 108–9, 113 Fig. 2, 115 Fig. 3,
 119–20, 122, 124
 historiography of minority of 1–2, 6
 jointure as Queen Dowager of France 95,
 124–5
 judicial activity 168, 176 Tab. 9, 177 Tab.
 10, 179, 181, 186, 187 Tab. 11, 188,
 190, 261–2
 personal rule of 43, 70–2, 85–6, 131, 136,
 195, 222–3, 226
 supporters of in Civil War 10, 49, 51–2, 174,
 189, 221, 237
 'trial' of 17–18, 35, 39–40
 Maundy Thursday *see* Skerthursday
 Maxwell, John, fourth lord Herries of
 Terregles 1, 22, 39–40, 49
 Maxwell, Robert, fifth lord Maxwell 72
 Maxwell, Robert, sixth lord Maxwell 199–200
 May Games 134
 Melville, James, of Halhill, diplomat and
 busybody 2, 162, 171
 Melville, James, diarist and minister 57, 161
 Mint 11, 100, 107, 125–6, 132, 153–4, 167,
 238
 Murray, Annabelle, countess of Mar 43, 87,
 149
 Noailles, Gilbert, French ambassador to
 England 60, 81, 201
 Northern Rebellion/Rising, English 10, 152,
 181, 214
 Norway, *see* Denmark-Norway
 Order of the Garter 225, 229
 Order of St Michael 127, 131, 137
 Orkney 93, 119, 161, 195, 198, 201–5, 216,
 237
 Pacification of Perth 172
 Papacy 28, 58 198, 206–7
 Parlement of Paris 82
 Parliament 3, 10, 15, 65, 72, 116–7, 121, 127,
 210, 233
 Acts of 50, 81, 134, 154, 160, 178
 During dispute between Arran and Guise
 (1544) 78–9
 Grant regents' discharges 238
 Granting taxation 92, 104
 Not summoned during minority when no
 regent appointed 15
 Passing monarchical acts of revocation 84–7
 Pronouncements on regency 20, 23, 31
 Role in appointing regents 33, 53, 56–7,
 60–1, 65
 Role in terminating regency 60–1, 75
 Pensions 121, 221–30
See also England, pensions, and France,
 financial support for Scots
 Pilgrimage 145, 147, 156
 Pinkie, Battle of 128
 Pope *see* Clement VII, Julius III, Leo X
 Primogeniture 40–2, 233
 Privy Council 4, 83, 90, 104, 121, 148, 154,
 191, 197, 199–201
 English 47, 199
 Increasing importance over time 64, 69–70
 Judicial activity of 158–60, 161, 166–7,
 174–5, 178, 182, 191
 Sederunt lists 54, 57
See also: Lords of Council and Session
 Protector 22–3, *see also* regency, Henri II, and
 Seymour, Edward
 Queen Dowager 28–9, 93–5, 106, 114, 116,
 118–9, 124, 145, 204
 Queen Regent *see* Margaret Tudor and Marie
 de Guise
 Queen's Party
 assassinate Lennox 65–6,
 and foreign powers 221–2, 226, 229
 understanding of regency 18, 35–6, 40, 49,
 51–3, 86, 167–8, 179
 Randolph, Thomas, English ambassador 84,
 131
 Randolph, Thomas, earl of Moray 36

- Rape 169, 183
 Redeswyre, Raid of 181, 230
 Reformation Rebellion 9, 13–14, 79, 92, 106, 164, 188, 190, 217, 239
 Reformation Parliament 15
 Regency in Scotland
 During monarchical absence 23–4, 45–6, 194–6, 231
 Changing practices 54, 67, 131, 150, 156–7, 230–2, 233–6
 Conflict with duties as a magnate 148–9, 171–2
 Court during 110–11, 114–118, 122–3
 Council of 3–4, 23–4, 44–53, 180, 204, 234
 And the Council 68–73, see also *Council and Privy Council*
 And crown finances and property 84–5, 88, 92–3, 99–126, 238
 Debate surrounding legal basis of 27–8, 36, 39–40, 49, 51–3 see also *York-Westminster conference*
 Elective 11–12, 18–19, 24, 36–44, 45, 63–5
 Elections 12, 19–21, 24, 33, 37–9, 42, 44, 49–52, 54, 57, 64–7, 128, 233
 Entries to towns 136–8
 Financial support for crown 90–1
 Hereditary/second person in the realm 18, 24–6, 30–6, 42, 45
 Household see *court*
 Inaugurations 54–67, 70, 167
 Importance of blood relationship between regent and monarch 44
 Law/Statute on, lack of in Scotland 12, 19, 21, 37–8, 50, 53, 234
 Legitimacy 16, 19, 44, 49, 50, 53, 73, 79–80, 158, 167, 180, 192, 193, 205–221, 231–2, 235
 Loss of office 73–84, 238–9
 Queen mothers and regency 28–9
 Parallels to private testamentary law 19–21
 Powers, extent of 1, 5, 84–5, 88, 92–3, 160, 165, 167–8, 170–1, 194–6
 Style of address 57, 207–8, 219–21
 Testamentary 20–1, 24–8, 30, 45–8
 Understandings of change over time/to suit circumstances 21, 28, 36–8, 54, 57, 80, 131, 233–4
 Wives of male regents 149 see also *Keith, Annas; Douglas, Margaret; Murray, Annabelle; de la Tour, Anne*
 see also *Douglas, James, earl of Morton and regent; Erskine, John, earl of Mar and regent; Margaret Tudor, Queen of Scots and regent; Marie de Guise, Queen of Scots and regent; Hamilton, James, earl of Arran, duke of Châtellerauld and regent; Stewart, James, earl of Moray and regent; Stewart, John, duke of Albany and regent; Stewart, Matthew, earl of Lennox and regent*
 Regents see *Douglas, James, earl of Morton and regent; Erskine, John, earl of Mar and regent; Margaret Tudor, Queen of Scots and regent; Marie de Guise, Queen of Scots and regent; Hamilton, James, earl of Arran, duke of Châtellerauld and regent; Stewart, James, earl of Moray and regent; Stewart, John, duke of Albany and regent; Stewart, Matthew, earl of Lennox and regent*. See also *regency*
 Regency, Wider European context 46, 129, 149, see also *England, Protectors/Regents of, and France, regency in*
 Regicide 33–5, 178
 Remissions 63–4, 96–7, 166–8, 170, 177, 238, 254–5
 Restalrig Chapel 137
 Revocation, Monarchical Act of 12, 54, 84–8, 92, 100, 101, 121, 124, 166, 238
 Robin Hood 135
 Rough Wooing 141–2, 188, 193, 198, 204, 206, 210, 222–3, 237
 Financial impact of 94, 98, 99, 102–4, 107, 116, 124
 Royal age of majority 74–5, 81–4 203, 225, 234, 237
 Sadler, Sir Ralph, English Ambassador 18, 61, 210
 Salic law, France 29
 Satire of the Three Estates – see *Lindsay, David*
 Sempill, Robert 133 n. 34, 135, 136
 Session, Court of 79, 159–60, 162, 173 n.85, 174, 177, 183, 189, 191, 236, 254
 Seymour, Edward, earl of Hertford, duke of Somerset, Protector of England 47, 57, 61, 206, 210, 211 n.91
 Skelton, John, poet 34
 Skene, John, lawyer 174, 182
 Skerthursday 137–8
 St Bartholomew's Day Massacre 133
 Statutes see *Parliament, Acts of*
 Stewart, Alexander, Duke of Albany 56, 231
 Stewart, Henry, lord Darnley, second consort of Mary, Queen of Scots 17, 44, 64, 167, 171, 215, 236
 Stewart, James, bastard brother of James V, earl of Moray 46, 85
 Stewart, James, earl of Moray and Regent
 absence in England 37–9, 45, 188, 190, 192
 absence in France 61
 activities prior to regency 168
 assassination of and its aftermath 161, 164, 167, 180, 218
 changing governmental practice during regency of 56–7, 70–1, 235

- Stewart, James, earl of Moray and Regent
 (*continued*)
 challenges to and criticism of 18, 35–6, 86,
 88, 123, 167, 179, 219, 232
 court of 133, 136, 156–7, 255, 262 Tab 15
 cultural interests 152, 155
 diplomacy of 212–6, 228
 finances during regency of 90, 92, 98
 Fig. 1, 102 Tab. 1, 105, 109, 110–1, 113
 Fig. 2, 115 Fig. 3, 119 Fig 4, 122–3, 152,
 228
 historiographical debate 9–10, 236
 influence on coinage 153
 judicial activity of 105, 152, 158, 168, 174,
 176 Tab 9, 177 Table 10, 178–9, 181,
 186, 187 Tab 11, 188, 262
 inauguration 62–3
 powers 84–5
 Privy Council 178
 signature 214
 theoretical basis of regency 12, 14–15, 19 24,
 37, 38–9, 44, 48, 65, 211–3, 233–4
 travel in Scotland 138, 141–2, 147 tab. 6,
 147–9, 152, 192, 255;
 wife, see *Keith, Annas*
 Stewart, John, Duke of Albany and Regent
 basis of power 17, 20, 30–2, 36, 58–9
 challenges to his power/legitimacy 32,
 204–8, 211, 213, 231, 236
 contemporary criticisms 34, 68, 127
 court ceremonial of 136–8
 diplomatic powers of 194, 196
 finances of 91, 93, 94, 98 Fig. 2, 101, 102
 Tab. 1, 107, 110 Tab. 2a, 111 Tab. 2b,
 113 Fig. 2, 114–6, 119 Fig. 4, 124
 French financial support for 223–5
 French magnate 155, 168, 224
 governmental involvement 70, 85, 92, 114,
 150, 153, 161, 163
 historiographical debate on/reputation 6, 68,
 89, 114, 124, 159, 236
 inauguration of 56, 58, 63
 Justice of 159, 168–9, 176 tab. 9, 177–8, 177
 tab 10, 181 183, 187 Fig 5, 258
 journey to Rome 206–7
 loss of regency 73, 75, 77, 80, 83, 208–9,
 225, 238
 regency council in his absence 23, 31, 45,
 164, 165, 180, 204
 relations with Denmark-Norway 203–4
 rumours of homicidal intent 33–4
 threat to Margaret Tudor's power as
 regent 25–28
 title and mode of address 22, 57, 233
 travel within Scotland 143–5
 visits to France 74, 88, 93, 109, 116, 148,
 169, 180, 183, 204, 206
 wife *see de la Tour, Anne*
 Stewart, John, twelfth or third earl of
 Lennox 125
 Stewart, Matthew, thirteenth or fourth earl of
 Lennox and Regent 3, 4, 71, 81, 130,
 136, 147–8, 152, 195, 218, 236
 Anglophile 166
 Assassination of and aftermath 49, 66, 88,
 89, 164, 167
 Basis of regency 10, 20, 47–8, 49 62, 64–6,
 217, 234
 Challenging Arran 14, 33–4, 44, 90–1
 Finances of 90, 98 Fig. 1, 102 Tab. 1, 104–6,
 108, 110 Tab 2a, 111 Tab. 2b, 113 Fig.
 2, 115 Fig. 3, 119 Fig. 4, 122, 125, 228
 Judicial Activities of 168, 170–1, 187 Fig. 5,
 262
 Relations with Henry VIII 77, 211
 Style as regent 57
 Wife, *see Douglas, Margaret*
 Stewart, Robert, Bishop of Caithness 49
 Stewart, Robert, earl of Orkney 162
 Stuart *see Stewart*
 Sumptuary laws 56
 Superexpenditure 96–9, 101, 102 tab 1, 104–7,
 110, 117–19, 124, 240
 Suzerainty 194, 205–211, 218, 221, 231, *see*
 also England
 Tanistry 40
 Taxation 91–2, 100, 104–6, 116
 Treasurer 91, 93, 95–7, 98–112, 115, 123–5,
 166, 185, 224, 234, 237–8, 240–4
 Trial of Mary, Queen of Scots, *see York-*
 Westminster conference
 Throckmorton, Sir Nicholas, English
 ambassador 61–3, 141, 212–4, 219
 Tudor, house of, *see Edward VI, Elizabeth, I,*
 Henry VII, Henry VIII, Mary I
 Tutor, to a minor, in private law 1, 19–21, 73,
 74, 206, 209–10
 Twizelhaugh, Act of 23
 Walsingham, Francis, English secretary 230
 Witches 179, 182, 184
 Wolsey, Thomas, Cardinal of York 207, 208,
 209
 York-Westminster Conference 34–9, 64, 86,
 105, 228, 233
 Young, Peter, tutor of James VI 43

THREE MONARCHS OF SCOTLAND (James V, Mary Queen of Scots, and James VI/I) were crowned during the sixteenth century; each came to the throne before their second birthday. Throughout all three royal minorities, the Scots remained remarkably consistent in their governmental preferences: that an individual should “bear the person” of the infant monarch, with all the power and risks that entailed. Regents could alienate crown lands, call parliament, raise taxes, and negotiate for the monarch’s marriage, yet they also faced the potential of a shameful deposition from power and the assassin’s gun.

In examining the careers of the six men and two women who became regent in context with each other and contemporary expectations, *Regency in Sixteenth-Century Scotland* offers the first study of regency as a political office. It provides a major reassessment of both the office of regency itself and of individual regents. The developments in how the Scots thought about regency are charted, and the debates in which they engaged on this subject are exposed for the first time. Drawing on a broad archival base of neglected manuscript materials, ranging from financial accounts, to the justiciary court records, to diplomatic correspondence scattered from Edinburgh to Paris, the book reveals a greater level of continuity between the personal rules of the adult Stewarts and of their regents than has hitherto been appreciated.

AMY BLAKEWAY is a Junior Research Fellow in History at Homerton College, University of Cambridge.

Cover image: Obverse of the 1553 44 shilling piece, bearing the initials ‘I. G.’ for James Hamilton, Duke of Châtelherault and Governor of Scotland. © National Museums Scotland

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